

CANADA IN THE COMMONWEALTH

CANADA IN THE COMMONWEALTH FROM CONFLICT TO CO-OPERATION

BY
THE RIGHT HONOURABLE
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FOREWORD

THE Rhodes Memorial Lectures were founded in memory of a great Englishman endowed with qualities that enabled him to give distinctive and conspicuous service, not only to Britain and the Dominions, but to the world. They were established in 1926 by the Rhodes Trustees in conjunction with the authorities of the University of Oxford. I was honoured with an invitation to deliver the first series of these lectures.

The lecturer was required to be in residence at the University during an entire Term. It was my good fortune to enjoy the hospitality of All Souls College, where I resided during the Summer Term, from the end of April to the beginning of July. Happy memories of the associations thus formed, and of countless courtesies received during my residence, will always remain with me.

The time-honoured traditions of the University, the illustrious names associated with its history and achievement, the ancient customs still surviving after many centuries, the fascination of its medieval halls, the quiet beauty of its 'quads' and walks, awakened an unceasing interest throughout my delightful sojourn at Oxford.

As to the lectures, the form and material of which have been embodied as far as possible in the following pages, a word of explanation may be necessary.

Originally, six lectures were prepared, which eventually were condensed into three. The purpose was not to attempt even an outline of so vast a subject as the history of Canada, but rather to portray such leading features and dramatic incidents as might perhaps awaken, not only in Great Britain but in my own country, an interest in its

FOREWORD

history which is invested with a significance not limited to this Dominion nor even to the British Commonwealth. Among many illustrations none is more remarkable than the momentous experiment in governance foreshadowed by Burke in 1774, commended by Durham in 1839, and begun under Elgin in 1848. Then was woven the first web of a fabric, at once firm and elastic, which has held fast under every stress with a strength that has awakened the astonishment of the nations.

In preparing the lectures I received a profound impression of the dramatic significance with which the story of French colonization in North America is invested. Its intimate relation to Canada's connexion with the British Commonwealth seems clear and indeed obvious. Except for the French occupation of the St. Lawrence valley and of Acadia, it can hardly be doubted that Canada would have passed out of the British orbit. The St. Lawrence valley and Acadia would have been occupied by organized communities radiating from New England and from New York, and would have been swept into the Revolution or involved in some peaceful separation.

It was also my purpose to assist in awakening a realization that, by the emergence of goodwill and co-operation out of conflict, by the possession of a common heritage, and by the impulse of an unsurpassed opportunity, each of the two great races in Canada should take pride in the pioneer endeavours and achievements of the other. These make our common history.

Dr. A. G. Doughty, Dr. Adam Shortt, Major Gustave Lanctot, and Mr. William Smith (The Archives); Dr. D. C. Scott (Department of Indian Affairs); Dr. Charles CamSELL (Department of Mines); Mr. James White (Department of Justice); Mr. C. R. Coutlee (Public Works Department); Mr. F. C. C. Lynch (Interior Department); and Mr. Lawrence J. Burpee, all of Ottawa; also to M. P. G. Roy (Archiviste) and Col. Wm. Wood of Quebec. Mr. Philip Kerr kindly consented to read the proofs, and I am indebted to Professor R. Coupland for valuable assistance in the revision of certain chapters.

R. L. B.

OTTAWA, *January 1928.*

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INTRODUCTION

A CANADIAN of British ancestry approaching for the first time the shores of these islands recalls with proud and reverent emotion the great drama of human progress that has been enacted upon this stage. Here the Celt, the Roman, the Saxon, the Norseman and his kinsman, the Norman, have played their part and every spot seems hallowed by the aspiration and endeavour of long centuries. Here the authority of feudal barons was subjugated to that of Plantagenet and Tudor kings, and their supremacy in turn passed to Parliament, so that the power that once had been the divine right of kings became at last the divine right of free men. Within these islands was moulded and developed a system of government which, in form at least, has left its impress upon every continent. The spirit of ordered liberty and justice, of respect for law and public right, had here its birth, and we beyond the seas inherit it as not the least sacred portion of a high tradition.

The winning of Canada for civilization began little more than three hundred years ago. Many Canadians, perhaps the major portion of them, imperfectly realize the story of the earlier centuries that constitute the heroic age of their country, a story which is the common heritage of the two great races that inhabit it.¹ Thus, it is perhaps small wonder that a brilliant young Englishman of wide culture, vivid imagination, and splendid diction, who visited our country fourteen years ago, and who published his rather hasty impressions, should have manifested regrettable unacquaintance with its history. He found our countryside lonely, our mountains and forests, our great rivers and lakes, unimpressive, appealing in no way to the

¹ Canadian history might well occupy a larger place in the course of study at some of the Canadian universities.

imagination. There were no memories, no voices, no dead.

'It is an empty land. To love the country here—mountains are worshipped, not loved—is like embracing a wraith. A European can find nothing to satisfy the hunger of his heart. The air is too thin to breathe. He requires haunted woods and the friendly presence of ghosts . . . How far away seem those grassy moonlit places in England that have been Roman camps or roads, where there is always serenity . . It is possible at a pinch to do without gods. But one misses the dead '¹

If Rupert Brooke had but listened, voices of the past were calling to him in all his journeying. They whispered to him on either side of the St. Lawrence, from the Long Sault of the Ottawa, in the thunder of the Chaudière, on each battle-field by which he passed, from many a wilderness on which he looked. Can there be no ghosts save where the Roman once made his pathway? Between the surges of Cape North and the Western Ocean there is many a grave of explorer and adventurer on which the flower of remembrance will never fade, many a God's acre where sleep pioneer wardens of the wilderness and around which linger memories more appealing to Canadians than any associations that a Roman encampment could awaken.

For, in truth, from Louisburg to Esquimalt the land teems with memories of adventure and romance, of courage and endurance, of devotion and heroism. The vales of the ocean provinces, the broad countrysides of Quebec and Ontario, the mighty waterways, the vast western plains, the northern wilderness, the majestic summits of the Rockies and the shores of the Pacific are not dumb, but eloquent to one who will listen and can understand.

It would be idle to attempt even the barest epitome of Canadian history, but I venture to suggest its absorbing

¹ *Letters from America*, by Rupert Brooke, pp. 153-6.

² 'There are few chapters in history so full of romantic interest, so compelling in their demands for sympathy and admiration, as the record of the century and a half that began with the wooden fortress of Champlain under the bluff at Quebec and ended with the fall of Montcalm on the Heights of Abraham'—Hon. Elihu Root at the Tercentenary, Albany, 1911.

interest. In merely touching so vast a subject one can do little more than allude to the condition and natural characteristics of the country as Europeans found it four centuries ago, to the character and culture of the peoples who possessed it, to leading events, especially during the first two centuries, to commanding figures among the adventurers, explorers, missionaries, soldiers, and statesmen who chiefly guided the course of these events, and finally to the emergence of liberty and self-government from the confusion of a system tried and found wanting.

I

The land and its inhabitants—Character and extent of the country—Its flora and fauna—Aboriginal tribes—Their culture, habits, and customs—The people of the Long House—Their remarkable political organization—Aboriginal title as regarded by the British and by the French—Present conditions among the Indians of Canada.

THE minds of early navigators and explorers were constantly fixed upon the discovery of a North-West Passage to Cathay, which would lay open the riches of the Indies and of China. To the search for this passage many lives and great treasure were sacrificed, but for practical purposes it did not exist. After two and a half centuries, Sir Robert McClure and his crew, but not his ship, completed their journey by that route in 1852, and the Norwegian, Captain Roald Amundsen, first sailed through the passage in 1906. Early explorers had no conception of the immense extent of the country that intervened between them and the Pacific. When Cartier in 1535 stood on the summit of Mount Royal (Montreal) he was little farther from St. Malo than from the shores of the Western Sea. When Champlain, nearly seventy years afterwards, coasted along the shores of Nova Scotia, he did not dream that before him lay a continent whose western sweep exceeded that of the ocean he had just traversed. Neither of them realized that in the forest-covered expanse, stretching far to the south and far to the west, lay possibilities of future power and influence infinitely greater than those which the longed-for but elusive passage would reveal.

At that time the country, now called Canada, was a vast wilderness from the Atlantic to the western plains. The alluvial portions were covered with immense hardwood forests, maples of many varieties, elms, oaks, and other deciduous trees. In the hilly regions, of older geologic record, there were even vaster forests of pine and spruce, hemlock and fir. The St. Lawrence waterway penetrated

the interior for nearly two thousand miles, almost to the very heart of the continent, and to this waterway innumerable streams were tributaries. Chief among them was the Ottawa, flowing nearly seven hundred miles from its source to its debouchment into the St. Lawrence, fed by no fewer than twenty streams, some of them considerable rivers, and draining an area about equal to that of England and Wales. In the Laurentian Hills and in Acadia (now the Maritime Provinces) a network of lakes covered the country. Game of every sort was abundant, the immense moose, the caribou, deer, bears of various kinds, wolves and many other fur-bearing animals; the lakes and streams swarmed with salmon, trout, and many other species of fish. Beyond the Ontario forests stretched the immense western prairies to the foot of the Rockies, and upon these plains roamed countless herds of buffalo. In the far north the moose, the caribou, and the musk-ox afforded food for both the Indians and the Eskimos. Nuts of many kinds, small fruits, such as plums, cherries, currants, cranberries, and grapes, and a great variety of berries were available for food, as well as wild oats and rice, onions and parsnips. The hard maple provided an excellent sugar; maize or Indian corn, vegetable marrows, pumpkins, artichokes, radishes, and tobacco were cultivated by the more advanced aborigines.

This vast territory was inhabited by Indian tribes, usually of fine physique and still in the period of the Stone Age. Many of the tribes had no fixed habitations and some of them were cannibals. East of the Rockies there was a distinct ethnical affinity not only between tribes, but between the groups, of which the Algonquin was the most widespread. Some of them carried on agriculture to a limited or trifling extent but there was a condition of almost perpetual warfare. They had no written language; they possessed in varying degrees some idea of a higher power; and they believed in a future existence, for which some of the tribes prepared their dead. The Indians of Nova Scotia told of a divinity who looked and lived like other men; he ate, drank, smoked, slept, and danced. But

he never died, never was sick, never grew old. The great Cape was his habitation; he lived

Where Blomidon, a sentry grim,
His endless watch doth keep.

The Basin of Minas was his beaver pond and, through his thoughtfulness in destroying his beaver dam, that broad basin became connected with the Bay of Fundy.¹

Long before the advent of the white race, the Indian tribes had discovered the use of the bark of the birch tree for constructing light canoes capable of carrying considerable loads. In the construction of such canoes, in their repair and in their use, the eastern tribes were singularly skilful. The vast and complex system of waterways gave excellent means of transportation. Where falls or rapids occurred, the light canoe was easily carried across a portage. It is difficult to over-estimate the usefulness of the birch-bark canoe, first to the Indian tribes and afterwards to white explorers. In winter the frozen streams and lakes formed a passable highway. For traversing deep snow, the Indians ingeniously invented the snow-shoe (which Champlain called 'raquette' from its resemblance to a tennis racket) and the toboggan. Their only domestic animal was the dog until the Indians of the western plains acquired horses from their neighbours to the south, who had obtained them from the Spaniards. There being no appropriate word in their language, they used the designation 'dog' with some qualifying word, such as 'big dog' or 'elk dog'. For sport they devised the game of lacrosse, and they were addicted to the use of tobacco, to which they attributed supernatural origin.²

Before Quebec was founded (1608) the Confederacy of

¹ *Legends of the Micmacs*, by S. T. Rand, Introduction, p. xliv.

² At the commencement of feasts and on great ceremonial occasions, in many of the tribes, all those present burst into a preliminary fit of weeping, which lasted some time, and ended as suddenly as it began. This was explained as a tribute to departed relatives whose memory, recalled by their absence on such occasions, dissolved the entire assembly into tears. Their banquets were preceded rather than followed by oratorical efforts.

the Five Nations had attained a position of immense power and authority among the Indian tribes north of Mexico. They called themselves 'Ho-da-no-sau-nee', the People of the Long House, the French called them Iroquois; the English spoke of them as the Five Nations.¹ Their intellectual force, their genius for political organization, and their influence on the course of events for more than a century make their history worthy of close study. It is probable that this formidable Confederacy was the result of gradual development which began about a century before the advent of the white race, and which was guided by leaders of remarkable foresight and intellectual vigour. Within permissible limits it would be impossible to give a detailed account of the organization which held together its nations by a bond that absolutely forbade war between them. Their union was based on family relationship, and upon an elaborate organization of tribes or clans. Each nation included households of every clan and each clan had its peculiar totem or emblem. Marriage could not take place between two persons of the same clan. Descent was traced in the female line and a child belonged to its mother's clan. Each household comprised several families of the same clan and was practically governed by women. Thus, households of the Bear Clan were scattered through all the Five Nations, in each household every husband was a member of another clan, and upon marriage he had become a sojourner in the household of his wife's clan. His children were in one sense not of his blood, for they were born members of their mother's clan. As blood-brotherhood between those of the same clan or totem was a sacred principle, there could not be war between members of the same clan, and thus there must always be peace between the nations of the Confederacy. No more ingenious method could have been devised for effective union between tribes that otherwise would have engaged in the task of exterminating each other.

Crimes and offences were infrequent until savagery had

¹ After 1715 when the Tuscaroras were admitted, they were known among the British as the Six Nations.

been corrupted by civilization. The principal offences noted were witchcraft, adultery, murder, and theft. If a witch confessed her guilt and promised to mend her ways, she was invariably pardoned; European practice was much more drastic and cruel. In case of adultery, the woman was publicly whipped. Murder was punishable with death, but might be condoned with the consent of the injured family, upon whom, if implacable, was cast the duty of punishment. These savages anticipated by at least three centuries the English Married Women's Property Acts, as a wife's right to her property continued after marriage, and she retained it if there was separation or divorce.

This Confederacy was ruled by forty-eight Sachems who constituted a Council that was at once Parliament, Cabinet, and Judicial Court. Each Sachemship had a distinctive traditional name, and vacancies when they occurred were filled selectively by tribal council from the clan and usually by the women of the family in which the Sachemship was hereditary. There was an unequal division of the Sachemships, fourteen being allotted to the Onondagas, the central, although not the most powerful nation, and but eight to the Mohawks, who had precedence in Council. The western territories of the Confederacy were held by the Senecas, 'the Door-keepers', who were hereditary guardians of the 'Door of the Long House', and next to them were the Cayugas. At the eastern door were the Mohawks, and immediately west of them the Oneidas. In the centre the Onondagas held the custody of the Council Fire and also of the Wampum into which the laws of the Confederacy 'had been talked'.

There was an elaborate ritual for meetings of the Council and for the reception of envoys. Unanimity was required for executive, legislative, or judicial action, and by very reasonable and ingenious methods it was usually secured. Their ceremonial was impressive and their council meetings were dignified. Like many of the Indian tribes, the Iroquois were endowed with an admirable

natural eloquence. The Council declared war and made peace, sent and received embassies, entered into treaties and alliances, regulated the affairs of subjugated nations, received new members into the League, extended its protection over feebler tribes, in a word, took all notable measures for the welfare of the state. When apart in their own territories, the several Sachems formed the ruling bodies of their respective nations. In a later development there arose an ancillary body of rulers known as Chiefs, whose office was elective and not hereditary. As the Sachems were termed the pillars, so the Chiefs were spoken of as the braces, of the Long House. Sachems were entirely civil rulers and had no authority as such in military operations. When the several nations united in a common war, military chieftains were appointed. There were many established thanksgivings (planting, harvest, &c.) at which eloquent prayers, that eventually developed into a sort of liturgy, were offered. The 'Keepers of the Faith' officiated at their religious ceremonies.

The Iroquois regarded themselves as at war with all nations not allied or dependent. Minor hostile expeditions were often left to individual initiative. They had their fixed habitations in northern New York, but eventually they traversed and practically dominated the country from the St. Lawrence and the Ottawa to the Tennessee and from the Atlantic to the Mississippi. Like the Romans, they incorporated other nations and planted colonies among the peoples whom they subdued. But for the advent of the white race they might possibly have controlled the North American continent as far west as the Rockies and as far south as Mexico. They believed in a Great Spirit and in subordinate Spirits, the Thunderer, the Wind Spirit, and many others.

The several nations of the Confederacy spoke dialectic variations of the same language, which was strongly inflected. They were fertile in invention, in simple arts, and in the production of primitive fabrics and rude implements. That they enjoyed and appreciated beauty and picturesqueness in natural scenery is obvious from their

spirit that persecuted Covenanters in Scotland, drove Puritans from England, and accomplished marvellous 'Conversions' in France immediately before and after the Revocation of the Edict of Nantes. Lack of mechanical skill prevented the Indians from inventing such elaborate instruments of torture as the boot, the rack, the thumb-screw, or the pincers; but if Radisson is to be believed, their methods, although crude, were wholly effective.¹ If their system of torture was more intensive, it was less protracted than the *peine forte et dure* of the common law. Certainly it was more generally applied, since they regarded every captured enemy as a criminal who might, however, be saved by adoption or enslavement. They were endowed with an astonishing stoical endurance which enabled a captive chief to chant his triumphal death-song until the very end of his torture. Their views with regard to slavery did not differ in essentials from those then prevailing in Europe.

It does not appear that before the arrival of the white man alcohol was known among the Indians, although they might easily have discovered the secret of its production from materials available. In 1670 the missionary, Dollier de Casson, made wine out of wild grapes, which he found on the shores of Lake Erie. It could have been produced from other small fruits or Indian corn. When alcohol came with the white race, the Indian was helpless before it. The brandy of Quebec and the rum of New England and New York were responsible for untold evil in debasing the character and destroying the physique of the aborigines.

From many sources we have detailed accounts of the early impressions gathered by the white race from their encounters with the Indians. It is to be regretted that these savage nations did not possess the convenience of a written language in which to record in permanent form their impressions, probably unflattering, of European adventurers.

¹ Those curious in such matters may consult his narrative, *Voyages of Peter Esprit Radisson* (Boston, printed for the Prince Society, 1885), pp. 53-6.

In the town of Amsterdam in New York, there still stands a house known as 'Fort William Johnson'. It was built in 1742 and was for many years the residence of a man of adventurous and romantic career. Sir William Johnson had come to New York a poor boy, but his remarkable qualities enabled him to acquire great wealth, and he had gained an extraordinary influence over the Five Nations, whose language and laws he understood more thoroughly than any other white man of the period. His third wife was a sister of the Indian chief Joseph Brant, and she presided over his household with dignity and discretion.

At his fort or castle great councils were held, and there in association with chiefs of the Five Nations might be seen men of distinction from various parts of the world. His hospitality was boundless, as sometimes a thousand Indians would assemble at a council. To his influence is due in no small measure the British policy with respect to the Indians after the Treaty of Paris (1763).

The French recognized no aboriginal title to the country but claimed it as their possession by discovery and occupation. One of their ordinances declared that all descendants of the French in Canada, and all savages who should accept the Faith, should be acknowledged as native Frenchmen and should have liberty to proceed to France and enjoy all the privileges of native-born Frenchmen. Their policy regarded conversion of the Indians to Christianity as of first importance, and permanent settlement as a factor in their missionary effort.

The British policy regarded pre-arrangement with the Indians as essential to the safety of settlers, and this view was fully developed by Sir William Johnson. By the proclamation of 7 October 1763, a large part of which refers to the Indians, they were secured in their territories, and negotiations with them were strictly regulated. The nature of the Indian title has been defined by the Judicial Committee as 'a usufructuary title dependent upon the goodwill of the Crown'. Cessions of this title have been obtained throughout Ontario and the three prairie pro-

vinces in consideration of benefits from the Crown, such as annuities, special land reserves, education, protection, and management of the Indian Estate. British Columbia never acknowledged the Indians' title. In the Maritime Provinces and Quebec the question did not arise. The Indians of these provinces are protected by the Government and receive varied benefits from the Crown. Some of the Indian communities are making notable progress, and, having recovered from the first shock of contact with the evils of civilization, are being absorbed in the general life of the community. Amongst the Indians of the plains, who were entirely without means of subsistence after the disappearance of the buffalo, progress has been remarkable. During the world war one Indian settlement, in proportion to its population, sent to the front as many voluntarily enlisted men, subscribed as generously for patriotic purposes, and produced as ample food supplies as any white community of equal numbers in Canada.

II

Discovery—Beginnings of colonization—French explorers—The immensity of their task—Jacques Cartier, Champlain, Dollier de Casson, Nicolet, Joliet, Radisson, Marquette, Hennepin, La Salle, Tonty, La Vérendrye—French achievement.

WHEN Jacques Cartier first sailed from St. Malo to the coast of North America (1534), Henry of England had defied Rome, married Anne Boleyn, and attained the zenith of his power in the Act of Supremacy passed in that year. The northern part of the North American continent was then absolutely unknown, and Cartier's was the beginning of a long series of explorations which were gradually to unroll the map of Canada from sea to sea. Cartier voyaged along the shore of the Gulf of St. Lawrence, and, like many an explorer who followed him, searched unavailingly for a passage to the western ocean that would lead to the riches and commerce of Cathay. On his second voyage (1535) he discovered and entered the River St. Lawrence and exchanged courtesies with the native lord of Stadacona (Quebec); ascending the river he was welcomed by the people of Hochelaga (Montreal), and climbed to the top of Mount Royal. It was a dramatic moment when this bluff captain of St. Malo, bending his gaze towards the mountains of the south, or looking down on the mighty stream that flowed from great western waters of which he had heard from his savage guides, meditated future discoveries that were to reveal the passage for which many were vainly to search and die. He came again in 1541, but no permanent colonization resulted from his voyages.

The Beginnings of Colonization.

In 1603 Henry IV of France gave to Pierre de Monts, Sieur de Guast, a patent, or charter, covering a vast territory under which was made the first real attempt at colonization on the coast of America north of St. Augustine in Florida. It was the year in which the first Stuart,

Colonel Nicholson and his New Englanders. In that year for the last time the fleur-de-lis floated over its ramparts, and it became Annapolis Royal in honour of Queen Anne.

In 1608 Champlain founded a colony at Quebec. There were but twenty-eight original settlers, and of these not more than eight survived the first winter. In June 1609 a colleague arriving from France with men and provisions restored courage and hope. In the same year Champlain joined forces with the Hurons and Algonquins and ascended, with a motley host, to the beautiful and picturesque lake that bears his name. Near Ticonderoga they met a war party of the Iroquois, over whom an easy victory was obtained as the Frenchmen's fire-arms filled them with superstitious dread. For Champlain and for New France it was a dearly bought victory, won at the cost of the hostility and, indeed, the hatred of the Five Nations. In that same year the Dutch ascended the Hudson, establishing amicable relations with the Iroquois, who, in exchange for peltry, soon possessed themselves of fire-arms and ammunition.

Before Champlain made his first attempt to reach the Western Sea by the St. Lawrence and the Ottawa, his great contemporary, Henry Hudson, had, in 1609, discovered the river that commemorates his name, and on the 17th of April 1610 he embarked in the *Discovery* in vain search for the North-West Passage. He discovered instead the great inland sea that also bears his name and upon the southern shores of which, more than half a century afterwards, the forts and posts of the Great Company were to arise. That voyage was his last. Hardship and insufficiency of food aroused a mutinous spirit, which committed to the stormy sea in an open shallop Hudson, his young son, seven sick men, and one loyal soul who volunteered to join his captain. Hudson perished, and the details of his fate have never been revealed.

Exploration.

In 1613 Champlain was still dreaming of a North-West Passage. Relying upon an illusive tale related by Nicolas

monial rite and tossed into the seething waters as tribute to the Spirit of the Falls. The plunging torrent has been tamed and diminished by diversion to the uses of civilization, but when in late spring the North Waters rush tumultuously from a hundred hills on the upper courses of the Ottawa, the cataract regains something of its former splendour, and its reverberating roar recalls the ancient ceremonial tribute.

Passing around these falls and rapids, Champlain advanced with incredible difficulty beyond the Chats Rapids and reached a tribe of Indians of whom he had heard from the notorious Vignau. Throughout the journey this impostor sought to induce Champlain to undertake dangers that would have resulted in complete disaster. This for fear of exposure which otherwise was inevitable. From these Indians Champlain discovered that Vignau's story of a stranded English ship in the Northern Ocean was pure invention, as he had never ventured beyond their village. Thus once more faded for Champlain the hope of a North-West Passage.¹ In a later year he again ascended the Ottawa, passed to Lake Nipissing and, on a summer's day in 1615, his canoe emerged from French River into the waters of Lake Huron. He was at the shore of an immense inland sea, the greatest in the world, except Superior that stretched still farther westward. What did it lead to? Did the elusive passage to the Indies and China lie beyond? The question had to await an answer. He was obliged to turn back and, proceeding from Georgian Bay to the Bay of Quinte, through the heart of vast forests, now a smiling countryside, he discovered Lake Ontario.

Before pursuing the paths of later explorers, it is important to realize the immensity of their task. If Canada could be turned over on its eastern edge, as on a hinge, it

madly through the forest, and wherever the fiery spray of his burning hair touched the ground, up sprang tobacco. *Myths and Legends of the North American Indians*, by Lewis E. Spence, p. 115.

¹ One hundred and eighty years were to elapse before the first passage across the Rocky Mountains to the shores of the Pacific.

appended. Later, they reached the Detroit River and Sault Ste Marie at the outlet of Lake Superior.¹

By reason of its dramatic incidents, but chiefly on account of its bearing upon the destiny of western Canada, the career of Pierre Esprit Radisson, one of the most picturesque figures among the early French explorers, is of especial interest. In 1653, before he had attained his eighteenth year, he awaited his fate in a council of the Iroquois. Born in France about 1636, he had come to Canada in 1651 and lived with his parents at Three Rivers. In the following year he and two companions, thoroughly conscious of their peril, had gone on a hunting expedition in the vicinity of the fort. While he was somewhat in advance, his companions were killed and scalped by a party of Mohawks. When he retraced his steps he came upon their bodies and was almost immediately captured, although he made a stout defence. Why he did not suffer the fate that had befallen his comrades is a mystery. His captors arranged his hair with grease, painted his face to resemble their own, and took him to their village, where, after undergoing comparatively mild torture, he was adopted by one of the chiefs in place of a son who had been killed in battle. This chief, as well as the mother, sisters, and brothers of adoption, formed for him a strong attachment, which he seems to have reciprocated. Subsequently he and an Algonquin, who apparently had also been adopted, went with three of the Iroquois on a hunting expedition. In the night Radisson and the Algonquin killed their sleeping companions and attempted to escape to the nearest French settlement. They were captured by an Iroquois hunting party, the Algonquin was killed, and upon his return to the village the young Frenchman endured almost incredible tortures, which he seems to have sustained with great fortitude. His fate was to be deter-

¹ There was an earlier explorer Jean Nicolet arriving in 1618, spent two years on the upper Ottawa and Lake Nipissing among the Algonquins. Later, under the orders of Champlain, he continued western exploration and was the first European to enter Lake Michigan (1634).

would cover the Atlantic Ocean, the British Islands, and a considerable part of the European continent. Halifax, Nova Scotia, is hundreds of miles nearer to London than to Victoria, British Columbia.

Across the vastness of this unknown continent the wave of discovery rolled throughout the French régime. Not only towards the Rockies but also to the north and to the south it bore intrepid explorers, among whom are to be reckoned the early missionaries. One of the first was Francis Dollier de Casson. In 1668 he was sent to Lake Nipissing to winter among the Algonquins and to learn their language. In 1669, under the inspiration of the Abbé Queylus, Superior of the Sulpician Seminary at Montreal, he set out with La Salle, then a young man of twenty-five, and with René de Bréhant de Galinée. On September 24th they reached Tinawatawa¹ where they met Louis Jolliet. To reach this point they followed the south shore of Lake Ontario from end to end. De Casson and Galinée remained with the Shawnees, with whom de Casson was prepared to spend his life, and after celebrating mass on the last day of September, La Salle and Jolliet went eastward. The Sulpicians set out overland for the Grand River on October 1st, and wintered on the northern shore of Lake Erie at the site now occupied by the village of Port Dover. Abundance of game was at hand, and red grapes were found in enormous quantities on the sandy shores. Walnuts, chestnuts, wild apples, plums, grapes, and blackberries were stored away for the winter. On the 23rd of March 1670 all went to the lake shore to take formal possession in the name of Louis XIV, as instructed by the Intendant at Quebec. A cross, set up in a conspicuous place, bore the royal arms with an inscription proclaiming that the two missionaries and seven other Frenchmen, 'the first of all European people, have wintered on this lake, of which they have taken possession in the name of their King, as of an unoccupied territory, by affixing his arms'. The names of Dollier and Galinée were

¹ Near Westover on Lake Ontario, between Grand River and Burlington Bay.

appended. Later, they reached the Detroit River and Sault Ste Marie at the outlet of Lake Superior.¹

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mined in a council. Into this assembly comes first the adoptive father, hollow-eyed and as if mad with much discourse, the mother follows with song and dance and incantation, which seems to have been especially compelling, and then the brother. The Frenchman can understand nothing of their language, but after much smoking and another incantation the adoptive father cuts his cords and he finds himself free.

With ten of the Iroquois he went in the same year on the war path. The expedition was highly successful, according to Indian ideals.¹ Throughout the expedition he seems to have displayed remarkable endurance, courage, and resourcefulness, in cruelty and inhumanity he was, of necessity, as one of the Indians, and he became distinguished in the tribe by his renown as a warrior. Subsequently he escaped through the forest to Orange (Albany) and returned to France, after which he entered upon a career of exploration which had far reaching results. He and his brother in law, Médard Chouard, Sieur de Groseilliers, engaged in many expeditions to the west, which resulted in important discoveries, they fought and outwitted the Iroquois and, through Radisson's astounding resourcefulness, extricated themselves from most imminent and deadly perils. Passing beyond the Georgian Bay and Sault Ste Marie, they ascended western rivers and heard of the Bay of the North (Hudson's Bay). Their unfair treatment by the French authorities at Quebec, to whom they brought a cargo worth \$300,000, of which they were allowed to retain less than \$20,000, led the two adventurers to the service of England.

In June 1668 two small ships were fitted out at London for a voyage to Hudson's Bay. Radisson in the *Eagle* and Groseilliers in the *Nonsuch* represented those who had advanced funds for the expedition. First on the list of subscribers to the enterprise was the Duke of York, after

¹ They returned with five prisoners and twenty two heads of those whom they had slain including women and children. In token of his affection Radisson presented to his adoptive mother two heads which had been allotted to him and one of the slaves.

wards James II, and next was the famous Rupert of the Rhine. There was a merry party on board before anchor was weighed. Prince Rupert and his friends inspected the ships, assembled in the Captain's cabin and drank to the success of the voyage. The *Eaglet* never reached Hudson's Bay, but the *Nonsuch* returned with a rich cargo of furs. On Friday, the 2nd of May 1670, a charter was granted by King Charles II 'To the Governor and Company of Gentlemen of England Trading into Hudson's Bay', in which the Company was made Lord and Proprietor of a vast territory to be known as 'Rupert's Land'. From Radisson came the inspiration of the voyage which resulted in the founding of this great Company, whose occupation of about two million square miles in Western Canada brought that immense area under the flag of our Empire. Vivid imagination might trace a casual connexion between Canada's inheritance of her western domain and the incantations of an Indian woman on the banks of the St. Lawrence nearly three centuries ago.

It was a memorable day when Louis Jolliet and the saintly Père Marquette launched their canoe on the Mississippi. Stories of the great Mesch-ace-be had come to the Frenchmen from the Indians, and they had set out from Mackinac (at the entrance to Lake Michigan) on a canoe voyage to discover and explore it. They reached the great river on the 17th of June 1673, having undertaken a special journey to locate it; they followed its course for a long distance and they made it known to the world. Thus they may fairly be regarded as its discoverers, although a Spaniard, Bernardo de Soto, had crossed it by chance more than a century before (1541).

It seems remarkable that so wonderful a phenomenon as Niagara Falls should not have been mentioned by any missionary or explorer until the winter of 1678-9,¹ when Father Hennepin, apparently the first white man who had

¹ Shown on Champlain's map of 1632, the falls may have been seen by Etienne Brûlé and described to Champlain, who never visited them. Brûlé was one of the eight survivors of the winter of 1608-9 and discoverer of a vast territory from Lake Superior to Chesapeake Bay.

visited them, gave a graphic description, one sentence¹ of which may be quoted from an old translation

'Betwixt the Lake Ontario and Erie there is a vast and prodigious Cadence of Water which falls down after a surprising and astonishing manner, inasmuch that the Universe does not afford its Parallel.'

With characteristic exaggeration, Hennepin describes the Falls as more than six hundred feet in height

The Indians had many different names for Niagara,² and its present designation may have been derived from that employed by the Neutral Indians or by one of the Iroquois nations who called it O-ni-a-gi rah.³

Another famous explorer was René-Robert Cavalier de la Salle. Sprung from a wealthy and honourable Norman family, he had been a pupil of the Jesuits, had taken minor orders, and had served as professor of mathematics and science in France. Eager for travel and adventure, endowed with a domineering and obstinate temper, chafing under discipline and rebellious to authority, he possessed a resolution which yielded to no obstacle. These qualities had made his further connexion with the Jesuit Order impossible, but they placed his name high on the roll of fame and added an empire to the dominions of Louis XIV. In September 1678, accompanied by 'Tonty of the Iron Hand',⁴ he started from Fort Frontenac and, visiting the

¹ Entre le Lac Ontario & le Lac Erie il y a un grand & prodigieux Saut, dont la chute d'eau est tout à fait surprenante. Il n'a pas son pareil dans tout l'Univers.' *Nouvelle Découverte d'un très grand pays sisul dans l'Amérique. Le Tout dédié à Sa Majesté Britannique Guillaume III par le R P Louis Hennepin, Missionnaire Recollect & Notaire Apostolique* pp 44-45. Also *The Niagara River*, by Archer Butler Hulbert, p 168.

² There are over forty forms of the sonorous Indian word sonorous yet soft and musical the word is thought by some to be the only word left of the language of the Neutral Indians who occupied this territory.' *History of Niagara* by Janet Carnochan p 1.

³ Nearly all the Indian place names still retained have been modified phonetically by the French or the English. Competent authorities state that the Indian pronunciation was much more musical and euphonious than our own. For example, Niagara would be pronounced by an Indian Nee-a gah rah.

⁴ The Chevalier Henri de Tonty, to whom the Indians gave this appellation

Indians at Niagara, obtained permission for the building of a vessel on Lake Erie. Within a year he had built and launched on the upper Niagara River the first sailing-vessel that ever traversed the waters of the four great inland seas. He sailed through Lake Erie, passed into Lake Huron, and the sound of his cannon was heard on Lake Michigan. Sending back his ship, the *Griffin*, with furs obtained from the Indians, La Salle, accompanied by Tonty and Father Hennepin, voyaged in canoes to the south-east of Lake Michigan and explored some of the rivers which flow into that lake. Again, in the winter of 1681, La Salle and Tonty returned to Lake Michigan, made their way over the snow to the Illinois River, and entering the Mississippi traced that great river to its outlet, which they reached in April 1682. More than a century was to elapse before an English explorer, David Thompson, found its head-waters. La Salle came by sea in 1689 with an expedition from France, bringing soldiers, mechanics, and labourers to begin a colony and establish a fort at the mouth of the Mississippi, and thus open up the French possessions from the south. Failing to find the mouth of the great river, and landing far beyond it on the shores of Texas, he eventually met his death on the banks of the Trinity River at the hands of a disaffected follower. A daring adventurer, of great force of character and quickness of imagination, of instant perception and unfailing adaptability in untried circumstances, of an energy that never tired and a hope that never faltered, splendidly overcoming difficulties, patiently enduring pain and hardship, La Salle has left a vivid memory that will long endure.

Destined to be pre-eminent among the explorers of the great plains, Pierre Gaultier de la Vérendrye was born at Three Rivers in 1685, the only native of Canada among all the great explorers, French or British. Like many who preceded and many who followed him, he set himself to the futile task of discovering a practicable water-route to the western sea. The fruitlessness of his task does not detract from the glory of his effort, which is one of the noblest in the history of exploration. Among all the

western explorers one finds no finer record of unflinching courage, of rare resourcefulness, and of entire consecration to his purpose. In the summer of 1731, accompanied by his three sons, his nephew, La Jemeraye, and a party of soldiers and voyageurs, he set forth from Montreal to explore the vast unknown western territory. The Government denied his request to equip the expedition. If he had been adequately supported, there is little doubt that he would have reached the Rocky Mountains and eventually the shores of the Pacific, thus profoundly affecting the course of subsequent events. Obliged to rely on the fur trade for his resources, his progress was inevitably slow and his situation constantly precarious. At the Lake of the Woods and at the mouth of the Winnipeg River he built forts. His eldest son and his nephew had the distinction of first descending the Winnipeg River and sighting Lake Winnipeg. Undeterred by their death, he still advanced with indomitable spirit and built Fort Rouge at the mouth of the Assiniboine, where to-day Winnipeg looks forth on the western prairies, at the very heart of the continent.

In the century and a half of the French régime, successive explorers had accomplished tasks of incredible difficulty. Pressing forward from the head of Lake Superior, they had discovered great lakes that lay to the westward. They had reached the Winnipeg River and descended it to Lake Winnipeg. Later they explored the Red River to the mouth of the Assiniboine, more than fifteen hundred miles from Quebec, which even then was insignificant in population.

They had crossed open prairies to the Missouri and explored its valley. Advancing to Lakes Manitoba, Dauphin, and Winnipegosis, they had reached the Saskatchewan and followed one of its branches to within sight of the Rockies. All this they had achieved with little or no aid from the French Government. In the splendid epic of their labours, their endurance, their courage and their devotion to a national purpose, the achievements of La Vérendrye and his sons shine with special lustre. The later British adventurers and explorers owed much to what French initiative, resourcefulness, and enterprise had first accomplished.

III

Early British explorers—Hendry, Henry, Hearne, Thompson, Mackenzie—Discovery of Mackenzie River—From the Plains across the Rockies to the Pacific—Simon Fraser, Selkirk—Exploration of Canada not yet complete—Nearly one million miles still unexplored—The lure of the Northern Wilderness—The Wardens of the Marches.

BOTH before and after the Cession (1763) British explorers carried on with energy and determination the task of traversing that vast western territory and reporting upon its extent, character, and resources. A glance at their labours is appropriate before considering the development and result of French colonization.

Early British Explorers.

During the French occupation the Hudson's Bay Company had conducted explorations in the vast regions granted to it by Royal Charter. In 1690 Henry Kelsey had been sent into the country of the Assiniboines. It is probable that he reached Lake Winnipeg and the western plains; he may even have advanced to the Rockies. As a result of his explorations, the Company reported to Parliament that the country where they gathered furs was unfit for habitation. To-day it supports a prosperous population of nearly two millions. Another Hudson's Bay officer, Anthony Hendry, was sent out in June 1754. The expedition, which was planned on a great scale, and had the gathering of furs as an important object, crossed the region now known as the Province of Saskatchewan and passed the winter near the Rocky Mountains, between the present cities of Edmonton and Calgary. Hendry returned to York Factory with a great cargo of furs in 1755, four years before the surrender of Quebec.

The adventures of Alexander Henry, a native of New Jersey who came to Quebec in 1760, are concerned with the outbreak of the Indians under Pontiac (1763). A trading adventure took him into the district of the Great Lakes, where he found the French settlers not unfriendly,

but the Indians very hostile to the English and very cordial to his French-Canadian attendants. In 1763 he was at Fort Michilimackinac, where he became a blood-brother of an Indian, Wawatam. This post, which had been founded about a hundred years before, occupied a picturesque situation on the eastern shore of Lake Michigan, just beyond the Strait of Mackinac. Within its wooden palisades there was a population of about ninety, of whom some thirty-five composed the garrison. King George's birthday was celebrated with much rejoicing, and the garrison was watching with lively interest a game of lacrosse between the half-naked warriors of the Ojibways and the Saki or 'Fox' tribe. As the sport proceeded, the ball was, by design, struck over the pickets of the fort, and the Ojibways in the pretended ardour of their sport came struggling, shouting and leaping through the gateway or over the defences. Once inside the fortifications they seized weapons which the squaws had concealed under their blankets, and with fierce war cries rushed upon the unsuspecting and unarmed English, of whom they killed and scalped seventy. Henry's life was saved by Wawatam, and disguised as an Indian he lived with his protector. Although he spent many years in the west he was a trader rather than an explorer. He crossed Lake Winnipeg, ascended the River Saskatchewan, reached the Churchill,

native copper were brought in by the Indians. Hearne, who had served as midshipman in the British Navy, was selected by Governor Norton to make the necessary exploration. His first and second expeditions were complete failures, but in the third he succeeded in reaching the mouth of the Coppermine River, which empties into the Arctic Ocean at Coronation Gulf. His success was largely due to the aid of Matonabbee, a highly intelligent and courageous Indian of the Chipewyan tribe, who was accompanied by no less than seven stalwart wives. In these early expeditions, peril and hardship were the daily attendants of explorers. They had no supplies of food except such as could be obtained in the country through which they travelled: in the spring, goose eggs and some form of sugar, probably made from the sap of the birch, as the sugar maple did not grow in that region; in summer and in autumn, wild fruit and nuts; during the remainder of the year, game or fish.¹ On the 13th of July 1771 he reached the Coppermine River,² and by the 18th of that month he had traced its course to the Arctic Ocean.

Later Explorers.

Later English explorers have left a record not unworthy of those who preceded them, both French and English.

On the 20th of May 1784 David Thompson, a 'Mathematical boy' in the Grey Coat School, Westminster, was

¹ In his effort to keep pace with the Indians, Hearne left the print of his feet in blood at almost every step during an entire day

² On the 16th the Indians discovered through their scouts an encampment of Eskimos by the river. In the night they surprised and massacred the entire band in the most cruel and bloodthirsty manner, and subsequently purified themselves by elaborate ceremonial. Just fifty years afterwards Sir John Franklin passed along the Coppermine River. From July 15th to 18th he was at the Bloody Falls and found ghastly evidence of the massacre described by Hearne.

Mr. J. B. Tyrrell states that he has travelled over parts of the territory through which Hearne journeyed on this expedition and into which during the one hundred and twenty-three intervening years no white man had ventured. He found the same conditions except that the Indians had been replaced by Eskimos, who had almost forgotten the northern shores from which they had migrated.

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bound at the age of fourteen to the Hudson's Bay Company, who received five pounds for taking him as an apprentice for seven years. He was sent at once to Hudson's Bay and remained in the Company's service for thirteen years¹.

In 1798 he discovered the virtual source of the Mississippi. Nine years afterwards in British Columbia he sat by a stream flowing from the west, a small tributary of the Columbia. 'May God in His mercy give me to see where these waters flow into the ocean and return in safety,' was his recorded aspiration. On the Kootenay in 1809, on the Columbia in 1811, he carried on his explorations, claiming the country for Great Britain as part of its territories and on behalf of the North West Company of Merchants of Canada. In four and a quarter years after he first saw the waters of the Columbia he surveyed every foot of that river from source to mouth, 1,150 miles².

Two great exploits stand to the credit of Sir Alexander Mackenzie. He first explored the river that bears his name, and was the first white man to cross the Rocky Mountains to the Pacific coast. More than two and a half centuries had elapsed since Cartier sailed up the St Lawrence and during that period none of the daring and adventurous explorers had attempted to traverse those tremendous mountain ranges. On the 3rd of June 1789 Mackenzie started for the north with but vague ideas as to the great northern river of whose existence he had heard from the Indians. At Great Slave Lake he encountered the extraordinary combination of ice and mosquitoes. The

¹ Mr J. B. Tyrrell a competent authority describes him as one of the world's greatest geographers. Tyrrell had occasion to explore many of the routes which Thompson had surveyed and explored a century before and to take astronomical observations at the very places where Thompson had recorded them. Everywhere Thompson's work was found to be of the highest order and its accuracy remains unchallenged although his mathematical education had been of a very imperfect character if we may judge by the books from which he was taught. *Thompson's Narrative of His Explorations in Western America* (Champlain Society Toronto 1916) p. xix.

² *Ibid.* p. lxxv.

Indians whom he met as he descended the river could give him but scanty information. On July 2nd the Rockies came in sight at a point where they most nearly approached the river. They seemed to be sprinkled with white stones, which the Indians called 'spirit stones' but which eventually proved to be mere patches of snow. The Indians in the territory traversed were suspicious and usually fled.¹ On July 13th Mackenzie experienced the effects of a rising tide and saw whales. He was at the mouth of the Mackenzie and on the shore of the Arctic Ocean, but he hardly realized it. During his return he noticed fire proceeding from a blazing seam of coal near the junction of the Mackenzie and the Great Bear Rivers. Franklin in 1825 and the Canadian Superintendent of Forestry in 1906 noted the same phenomenon.²

Mackenzie's imagination was still fired with the ardour of geographical discovery. West of Hudson's Bay, in north latitude 59, some three thousand miles from Quebec, lies Lake Athabasca, covering an area of nearly four thousand square miles and fed by the waters of many rivers. On a commanding promontory near the east end of the lake, Roderick Mackenzie built the famous Fort Chipewyan, which contained the most important library in that far northern country. It was spoken of, half in jest and half in earnest, as 'The Little Athens of the Arctic Regions'. Sir Alexander Mackenzie left this fort on the 10th of October 1792, and during the winter he made his preparations at the mouth of the Smoky River which flows into the Peace River. The story of that first journey across those tremendous mountains is of absorbing interest. Its incredible hardship and difficulty tested to the full Mackenzie's courage and resourcefulness. Up the Peace River, through raging torrents, boiling rapids and surging whirlpools,

¹ One old man of philosophic temperament calmly approached and represented himself as too far advanced in life and too indifferent as to his remaining years to be anxious concerning any danger that threatened him. So 'he pulled his gray hair from his head by handfuls to distribute among us and implored our favour for himself and his relations'.

² Dr. Charles Camstell informs me that it is still burning

under the shadow of stupendous rocks from which huge fragments sometimes fell, up precipitous hills and through almost impassable forests, the heroic explorer made his way... Finally on the 12th of June 1793 he reached the summit with his party. On the 19th they embarked on the Fraser River down which they floated until warned by Indians that they were pursuing too southerly a course. Then with infinite difficulty they made their way up one of its tributaries until they reached the point for beginning their toilsome journey across the mountains. Heavily laden and on short rations they struggled westward day after day, until on the 18th of July they embarked on the Bella Coola River. At the Pacific coast a few days later, Mackenzie inscribed on a great rock upon which he had set up his defence against Indians of apparently hostile intent, this brief record of his journey:

'Alexander Mackenzie from Canada by land, the twenty-second of July, one thousand seven hundred and ninety-three. Lat. 52° 20' 48" N.'

Ninety years afterwards, as earnest of a young nation's courage and vision, a transcontinental railway traversed the unpeopled prairies, forced the barriers of the mountains and linked the two oceans. In this new pathway to the Orient the purpose of the earliest explorers was fulfilled; but it was the dream of La Vérendrye that had come true.¹

Simon Fraser's expedition down the Fraser in 1808 was perhaps as fine an example of British pluck, endurance, and resourcefulness as one will find in the whole history of exploration. He had been instructed by the North-West Company to explore this river to its mouth, and not even

¹ The great navigator, Vancouver, had been on that coast a few weeks before. One of the Indians who continually incited his fellows to hostility against Mackenzie and his party, said that 'Macubah' (Vancouver) had fired on him and his friends and that 'Bensins' (Johnston, Vancouver's lieutenant) had struck him on the back with the flat of his sword. The Indians pointed to a channel, south-west by west, where they said 'Macubah' had come with his big canoe. *Mackenzie's Voyages*, London, 1801, pp. 344-6.

on each side of the explorer's route. As a result, he found in Western Canada territories aggregating 642,000 square miles in extent which must still be regarded as unexplored, and in northern Quebec additional areas comprising 259,000 square miles. Thus, excluding the islands in the Arctic Ocean and areas under 4,000 square miles in extent, there was then on the mainland of Canada an unexplored territory of 900,000 square miles, more than seven times the area of Great Britain and Ireland.

Those who have known the spell of the northern wilderness tell us that the romance of exploration has passed with the advent of the airplane. They found there not only adventure, but beauty, even in the barren lands, to which Saltatha, the Indian, bore witness after a worthy priest had told him of the glories of Heaven. 'My father, you have spoken well; you have told me that Heaven is very beautiful; tell me now one thing more. Is it more beautiful than the country of the musk-ox in summer, when sometimes the mist blows over the lakes and sometimes the water is blue, and the loons cry very often? That is beautiful; and if Heaven is still more beautiful, my heart will be glad, and I shall be content to rest there till I am very old.'

Nor were the explorers mere materialists. Nearly a century ago on the banks of a river in the far north a young Scotsman, ensconced in a tree, kept watch through the night while his exhausted men slept in his tent. He knew of hostile Indians across the river, but he did not dream that just above the crest of the bank a small band sought their opportunity. Later they became friendly and told him of the incidents of that clear summer's night. He was looking, they said, at something white which he held in his hand but he often glanced around and was continually watchful. If he had knelt when he went to the river for a drink they would have rushed him and massacred his party. The 'something white' was Hervey's *Meditations*, with which Robert Campbell beguiled the weary hours of his watch against savage onslaught.

¹ *The Barren Ground of Northern Canada*, by Warburton Pike, p. 276.

Many years have passed since the wandering bands ceased to be a menace. When the tide of migration began to roll strongly westward there was need of wise policy and strong effort on their behalf. Soon after 1870 when Rupert's Land and the North-West Territories were incorporated in Canada, efficient means of maintaining law and order in that vast domain became a vital necessity. Then was organized a force known as the Royal North-West Mounted Police, which performed, especially in the earlier years, a national service of inestimable value. The high standard of its personnel, its perfect discipline under strong command, its wonderful control over the Indian tribes, and its ever-present aid to settlers in time of need can only be mentioned here. By the strong arm of that Force the Queen's writ ran and the Queen's justice was vindicated throughout that immense territory and even within the Arctic circle. Lawlessness and crime were as surely detected and punished as in the established communities of the east. In far northern posts small detachments kept ceaseless vigil for eight, or even ten, months of the year during which they were utterly cut off from the rest of the world. These Wardens of the Western and Northern Marches have an unblemished record of honourable service in which their country takes a just and grateful pride.

IV

Champlain's achievement—Character of French occupation and colonization—New France governed like a province of Old France—Its slow development compared with that of New England—French colonization on the St. Lawrence ultimately held Canada for Britain—Champlain's purpose and its remarkable issue—Champlain and Hampden.

CHAMPLAIN'S firm heart and splendid courage dominated the beginning of French colonization in Canada. The means at his disposal and the effort which they permitted were insignificant compared with his inspiring purpose. Thirty years elapsed from the first permanent settlement at Port Royal until his death at Quebec in 1635. During that period he had served as governor of New France for twenty-seven years.

Among all the great governors who presided over the destinies of the French possessions in North America he stands pre-eminent. Bold and adventurous in exploration, it was his supreme purpose and ideal to win for France, for the Catholic faith, and for civilization the country he had discovered. He held all the savage tribes, except the Iroquois, in a friendly alliance, which persisted until the end of the French régime, and he administered justly and efficiently the affairs of his little colony.

During his governorship, the Quebec settlement had been attacked and captured in 1629 by the English under Kirke but had been restored to France in 1632. As he lay on his death-bed, it may have seemed to him that his labours had been in vain, for settlement had made but little progress. But he had sown seed which brought a glorious harvest. Three centuries after his landing at Quebec the full fruition of his labours was heralded when, in picturesque and vivid pageantry, his arrival was portrayed at the very scene where he had founded the beginning of a great city. The little colony of French pioneers had grown into a distinctive and impressive community num-

bering three millions of prosperous and contented people, enjoying under the British flag a larger liberty than their ancestors had ever known, and sharing with their brethren of British descent an abounding wealth of opportunity in the vast heritage of half a continent.

In later chapters there will be a glance at the leading events and incidents that occurred during the century and a quarter that elapsed between Champlain's death and the cession in 1763, but first it is important to consider the policy and the methods of the French government in the colonization and development of New France.

The purpose of France was to govern and control her colony as a French province. At the very beginning the seigneurial system was established, and in 1712 there were not less than ninety-one seigneuries. The feudal order thus founded in Canada was not merely a system of land tenure. In its social aspect it was intended to reproduce its European prototype. The censitaire (as the habitant-tenant was termed) rendered fealty and homage to each new seigneur, and the seigneur upon entering into possession of his fief, or upon the accession of a sovereign, made obeisance and oath of fealty to the Governor as royal representative. A seigneur in New France was not necessarily of the *noblesse*, although in reward for distinguished service he was sometimes ennobled. In most cases the seigneurs had judicial powers, 'the high, the middle, and the low justice'. These judicial prerogatives were seldom exercised except in trifling disputes.

As the rule of primogeniture did not prevail in New France and as it was essential that each farm should have frontage on the river, the holdings became exceedingly narrow. After the preliminary severities of pioneer life had been overcome, those who tilled the soil with care lived more comfortably and were in happier circumstances than well-to-do peasants in France. But habitants and *petite noblesse* alike found in the forest, the lake, and the river their true *métier*, in which they were apt scholars; and efforts were continually exerted to induce attention to agriculture rather than to the fur trade and the attractive forest

life. In the first decade of the eighteenth century the cleared land did not exceed 60,000 acres. The habitants were extremely prolific (as they still are); Montcalm observed that a soldier of the Carignan regiment had 220 descendants settled in four parishes. The spirit of the Norman stock, as to the proportion of which there has been controversy, was predominant. It is probable that the Norse strain produced a majority of the great explorers and adventurers, both French and English.

Excessive regulation of matters connected with daily life must have weakened the initiative of the habitant and retarded the development of the country. France undertook to govern her colony by ordinances relating to every conceivable subject of domestic concern; inns, markets, chimney sweeping, quarrelling in church, assignment of pews, the number of horses which each habitant might own, undue subdivision of farms, and other matters of like character were regulated by distant authorities with more zeal than knowledge or wisdom.

During a century and a quarter of actual colonization (1632-1760) France had founded a strong military colony upon the banks of the St. Lawrence. To its development many of her finest spirits gave unstintingly their noblest service. In a purely material aspect there was no inconsiderable achievement. On either side of the St. Lawrence the land was reclaimed from the wilderness, and more than 60,000 colonists held New France for the country of their ancestors. The church fully vindicated its mission; the character and morals of the people were maintained at a high standard.

The reign of law began. Justice was impartially administered and the principal code of French law came into force. The devotion of the missionaries and the adventurous spirit of the explorers, *voyageurs* and *coureurs de bois* planted the French flag beyond the heart of the continent, and claimed for France a vast western territory of unknown extent, reaching from the head-waters of the St. Lawrence to the mouth of the Mississippi. A chain of forts extended for nearly two thousand miles beyond

Quebec, and against the immensely larger population of the adjoining British colonies the French succeeded in holding their own. If the vision of far-seeing men like Frontenac and Talon had been shared by the French Government, and if the distractions of war in Europe had not diverted effort from their purpose, New France might have extended its limits to the mouth of the Hudson, and France would have secured a hold upon the continent which perhaps could never have been loosened. The hostility of the Five Nations which began when Champlain's aid gave victory to the Hurons, and which was quieted for only relatively brief periods, explains in a measure the restriction of French settlement to the immediate vicinity of the St. Lawrence.

But while New France was being developed to a total population of 60,000, the British colonies to the south had attained a figure more than twenty times as great. In securing influence over the native tribes of America, the French were in many respects superior to the British. Their temperament and personal qualities fitted them admirably for gaining the confidence of the tribesmen. The *courieur de bois* and the missionary followed the Indians to their forest homes and readily adapted themselves to Indian habits and customs. The fervour, the teaching and the ceremonial of the French missionaries touched the Indian imagination. To the savage the Frenchman seemed to bring sympathy, the Englishman contempt.

The British settlements had their origin not in governmental action but in the spontaneous and unaided effort of liberty-loving people. Those colonists displayed an instinct and adaptability for colonization, for commerce and industry, and for self-government which seemed to be lacking in the French temperament. New France remained little more than a series of military posts, while New England developed rapidly into an agricultural, industrial and commercial community. British colonization virtually began in 1620, and in 1688 the population of the Atlantic colonies was computed at 200,000; it had increased to half a million in 1721, and twenty years later

to a million. In 1760 the white population of the Thirteen Colonies was estimated at nearly 1,400,000 besides a slave population of 300,000.¹ As early as 1640 Massachusetts, Gloucester and Plymouth, and six other New England towns, were building vessels and sending them loaded with produce and lumber to adjacent colonies, to Barbados, and to England. In 1676 it was estimated that 730 ships had already been built in Massachusetts.²

The New England colonies insisted upon governing themselves. New France was ruled by an autocracy, continually subject to direction from Versailles. In the English colonies initiative was not checked or stifled by vexatious administrative regulations. There was in each colony a representative governing body known by various designations, but everywhere essentially the same thing. It was an assembly of representatives, not of the whole people, but of property owners. Continual claim was made for fuller measure of self-government, and by the close of Queen Anne's reign (1714) the colonial assemblies were, with few exceptions, enforcing their right not merely to levy taxes and determine expenditure, but also to appoint the chief financial officer. After the menace of Quebec had passed in 1760, the development of this spirit, stimulated by the obstinacy of a British king and the unwisdom of his advisers, brought about in sixteen years the Declaration of Independence.

For more than a century Great Britain and France faced each other on the borders of Quebec, along the St. Lawrence and in Acadia, each inspired by an unyielding determination. At first sight the conflict seemed unequal. At the beginning of the period England had little more than one-third the population of France, and at the end of the period less than one-half. France was beyond question the most powerful military nation in Europe. On the other hand the population of New France was insignificant in comparison with that of the English colo-

¹ *The History and Growth of the United States Census*, prepared by Carroll D. Wright, p. 10.

² *Ibid.*, loc. cit.

nies; and the naval power of Britain gradually increased until in the final event, when Pitt placed one-quarter of the British fleet at the disposal of Wolfe, it determined the issue.

I have never been impressed with the view, frequently put forward with much emphasis, that during the American Revolution the loyalty of the French population preserved Canada for the British Crown. In a later chapter that question will be considered. But, in a very real sense, French colonization in Acadia and in the St. Lawrence valley did preserve Canada to the British Crown and led to its development as a self-governing nation of the British Commonwealth. The enterprising and aggressive pioneers of New England realized very early the importance of Acadia, the abundant wealth of its natural resources and the immense possibilities of its fisheries. It has indeed been appropriately designated as 'New England's Outpost'.¹ The same pioneers continually bent their energies to expansion towards the St. Lawrence valley and the northerly trend of the New York settlements was equally manifest. The French, on the other hand, sought expansion not only to the west but to the south, and French governors had a vision of acquiring, either by cession or conquest, the present site of New York with the intervening territory, so as to secure an available winter port. These opposing tendencies to expansion neutralized each other, and French colonization dominated the St. Lawrence valley. In Acadia after 1713, when it was finally ceded to Great Britain, British colonization made little progress until after the founding of Halifax in 1749.²

territory and indeed of all Canada? British settlements from New England and New York would have occupied the fertile lands on both sides of the St. Lawrence, and would have developed into States possessing powers of self-government analogous to those prevailing in New England or in the Middle States. It cannot be doubted that in this event these States would have been swept into the Revolution of 1776, and the entire territory now included in Canada would have passed under the flag of the Republic.¹ The final issue of Champlain's quest and of France's endeavour was to hold it under the flag of Britain.

Thus the design and achievement of Champlain, explorer, pioneer and administrator, are of the highest significance to all Canadians of whatever descent. In the sense I have indicated both British and French owe to him their heritage in Canada although, in the infinite complexity of future forces and tendencies then altogether undiscernible, his paramount purpose was wholly overborne in the final event. There is a significant coincidence in the date of his death. While he was passing at Quebec, a great Englishman was nerving himself beyond the ocean for a conflict of supreme importance. In the parish church of Great Kimble, not far from Oxford, may be seen the report of a meeting called by John Hampden in 1635 to consider whether he and his fellow parishioners would obey the king's decree for the payment of 'shid monev'. There was

mately settled when the supremacy of the people through their representatives in Parliament was for ever affirmed Upon that determination rest our liberties Thus Canadians should look back with thankful memory to John Hampden, pioneer of our freedom, and with grateful recognition to Samuel Champlain, the pioneer and founder of our heritage ,

V

Early missionaries—Dramatic incidents—Maisonneuve, Dollard, Madeleine de Verchères De Tracy—Heroic figures of the early days—Bishop Laval, Frontenac

THE missionaries came in the earliest years of New France and it is memorable that when discouragement was most intense, when the fortunes of the colony seemed at their lowest ebb, the firmest hearts and the highest hopes were to be found among those who laboured for the conversion of the savages. Not many years passed after the death of Champlain before the Church to which he was so devoutly attached yielded the first martyr to the wilderness of New France. On the 29th of September 1642 René Coupil died, a tortured victim of the Iroquois. Four years later came the martyrdom of Father Isaac Jogues and Jean de Lalande. In his early mission to the Mohawks, Father Jogues had been tortured almost beyond endurance and for more than a year had endured a living martyrdom. Maimed, crippled, mutilated, he eventually escaped through the aid of the Dutch at Orange (Albany) and returned to France. The condition of his hands made it necessary to procure from Rome the removal of a canonical impediment to enable him to say Mass. Inspired by a zeal that denied him respite, he crossed the ocean once more to renew his mission, knowing that he would never return. Within a few months his martyrdom was complete, and his head was displayed from the palisades of a Mohawk town. The savages believed that the box which he carried for the purpose of his priestly office had brought a terrible disease upon them. On the following day his saintly companion, Jean de Lalande, met the same fate. In quick succession followed the missionary fathers, Antoine Daniel, Noël Chabanel, Charles Garnier, Gabriel Lalemant, and Jean de Brébeuf. These men and many others went to their martyrdom with cheerful spirit, perfect faith, and undying zeal for the salvation of their slayers. In momentary expectation of death, even in the very hour of dissolution,

their only thought was to give absolution to some dying captive, or in the midst of torture to use a drop of water for the baptism of an expiring savage. Venturesome and hardy as were the French explorers, they could hardly keep pace with priest or missionary in penetration of that vast savage wilderness.

It is difficult to estimate the effects of the missionaries' teaching upon their Indian converts. The early Micmac converts who had an extremely vague conception of Christian doctrine and practice called the French 'Normans'. One Indian, who was in search of several wives was reproved, 'When you are a Christian you can have only one wife'. 'Oh, that is all right for you Normans,' replied the savage. Another announced that he had eight wives and proudly pointed to seven of them there present. In some cases there was undoubtedly a real conversion, and the Indian had a reasonable comprehension of the teaching imparted to him. This seems to have been especially true of the Hurons; but, in the majority of converts, native savagery was not materially modified. It is difficult to discern any distinction between the ferocity and cruelty of the christianized Indians at Schenectady in 1689 and that of the heathen Iroquois in the Lachine Massacre of 1690.

Some of the missionaries played a conspicuous part in directing expeditions against the New England border. Pre-eminent among them was the missionary, Thury, whose activities are comparable with those of the Acadian missionary, Le Loutre, to whom subsequent reference will be made. Through hatred of the English or in the sincere belief that extermination of heretics was a pious duty, they displayed intense activity and earnestness in inciting their converts to slaughter and pillage the border settlements of New England, where almost incredible atrocities were perpetrated upon the unfortunate settlers.¹ On the other

¹ 'Le rôle des missionnaires, dans la direction d'expéditions de ce genre, est certainement prépondérant . . . les Anglais restaient donc les seuls ennemis de la foi contre lesquels les missionnaires pouvaient exercer le zèle de leurs nouveaux chrétiens.'—*Comte de Frontenac*, par Henri Lorin, Paris,

V

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hand, the French colonists suffered similarly from Iroquois in league with the British, who were not slow to take advantage of the innate ferocity of their savage allies.

On the day of Epiphany, 1643, Paul de Chomedy, Sieur de Maisonneuve, ascended Mount Royal and planted the cross in token of his consecration to the cause of Christian civilization. He had founded Ville Marie (Montreal) in the previous year. Not until 1643 was his arrival known to the Iroquois, who for ten years thereafter so continually harassed this little community that it was dangerous for any settler to step unarmed from his threshold. They even penetrated the palisades of Ville Marie and hid themselves in wait for a victim. One of these savages was known to remain for two days motionless, crouched behind a tree watching for his prey. But Maisonneuve's sublime courage and unfailing resourcefulness triumphed. '*Nouveau croisé, premier soldat de la Croix,*' his shield was untarnished, his faith unfaltering, and his spirit ardent to the end. Yet this new Crusader had his enemies, and in 1664 he was dismissed from the governorship of Montreal. He had accomplished a high mission and he left Ville Marie secure. To him chiefly, if not altogether, was due its preservation.

Future years were to witness on that river pathway a deed of heroism and devotion which perhaps owed something of its inspiration to Maisonneuve himself. In 1660 the Iroquois had reached a fierce determination to destroy utterly the French settlements in Canada. They could muster more than two thousand warriors and it was known that a great war party had crossed to the Ottawa with the intention of falling upon and exterminating the Montreal settlement; afterwards, joining with other war parties, they would descend upon the settlements in and around Quebec. The French communities in Canada were then insignificant in numbers, less than three thousand in all,

of whom there were but a handful at Montreal. There was grave apprehension and even terror. A young French officer, Adam Dollard, Sieur des Ormeaux, conceived the idea that if the Indians were met on the Ottawa by a small party of determined men who would sell their lives in the endeavour to hold them back, the apprehended invasion might be averted. He and sixteen companions dedicated themselves to death. Mastering the swift current of the Ottawa, they reached the foot of the Long Sault, where they built a small fort, or palisade. On the way they were joined by four Algonquins and a small party of Hurons, who, knowing of the Frenchmen's purpose, proposed to rival them in heroism. They had not long to wait. The painted warriors in their great war canoes swept down the rapids and were met with a devastating fire which drove them back. Summoning reinforcements they attacked again. Finally, a war party of five hundred from the upper reaches of the river came to their aid, and for days the Frenchmen held their own in hopeless struggle against an overwhelming force of merciless savages. The Hurons, with a few exceptions, were induced to abandon the Frenchmen and to join the Iroquois under promise of safety. Not one of the Frenchmen survived, and escaped Hurons brought the tidings to Montreal. The heroism and sacrifice were not in vain. So astonished and dismayed were the tribesmen by the fierce resistance of Dollard and his little band that for the time being their countrymen

Madeleine caused the gate to be opened, placed a sentinel there, and went to the river to meet them. She saluted the officer, and said, 'Monsieur, I surrender my arms to you.' He replied with a compliment, 'Mademoiselle, they are in good hands.' 'Better than you think,' she returned. He inspected the fort, and found everything in order, a sentinel on each bastion. 'It is time to relieve them, Monsieur,' said Madeleine, 'we have not been off our bastions for a week.'

In 1666 there was a memorable scene in Quebec when Sieur de Tracy, who had brought the Carignan Salieres regiment to Canada in the previous year, entertained two Iroquois chiefs. The town was full of deputies from the Iroquois and there was much talk of peace. During the repast allusion was made to the murder of a Frenchman, Chasy.¹ The Mohawk chief, extending his brawny arm, boasted, 'This is the hand that clave his head' 'It will never kill another,' said de Tracy, and the Mohawk chief was led out and hanged in the presence of his associates. War was inevitable and de Tracy led a force of 1,300 men against the Mohawk towns.² Half a century before, Champlain's fire-arms had routed the same nation. On this occasion the roll of de Tracy's drums served the same purpose for the astonished Mohawks believed the drums to be so many devils in the French service and fled in terror. Five prosperous Mohawk towns were captured and burned, some of the houses being one hundred and twenty feet long equipped with adequate domestic utensils, and supplied with enormous quantities of Indian corn and

¹ When the writer mentioned this incident to Monsieur Pierre G. Roy Archivist of the Province of Quebec he immediately produced the inventory of Chasy's estate. The notarial system at Quebec furnishes abundant material for history of the social and industrial progress of the colony. There is of course a wealth of official documents in the Proceedings of the Sovereign Council and in the reports and correspondence of the Governors, the Bishops and the Intendants. In no other province is there so remarkable an abundance of material for its early history.

² He was a man of huge bulk and there is an amusing story of his adventures in toiling painfully after his command up boulder-strewn hills through trackless forests and across wild torrents.

the great Intendant Talon; his masterful control of the clergy; his determined stand against the Governors, d'Avaugour, De Mézy, and Frontenac.

The civil authorities admitted that as a general principle the attitude of the Church was correct with regard to the use of brandy; but they held that in practice it meant the ruin not only of trade, but of the Catholic religion. 'The Indians, if entirely denied brandy, would certainly take their furs to the Dutch at Albany. There they would not only obtain rum—which, it was maintained, was at least as demoralizing as brandy—but, while helpless under its influence they would be subject to the preaching of the heretics, with disastrous consequences for all eternity. The real issue, therefore, which the Church and the Colonial Government had to face was whether the Indians should have brandy and orthodoxy at the hands of the French, or rum and heresy at the hands of the Dutch and the English.'¹ But Mgr. Laval set his face like flint against the traffic. He recognized the evils of rum and the even greater dangers of Calvinism; but he was not convinced that the savages who came for brandy would remain for prayer. Further, he maintained that the uncorrupted Indians had no natural craving for liquor and that if they were prevented from acquiring the taste for it, they would not be tempted to Dutch or English settlements in search of rum. The strong personality of Mgr. Laval and his intense fervour procured a royal edict forbidding the sale to Indians. This edict, however, did not by any means prevent a continuance of the traffic; and the first offender against the royal decree was the prototype of a genus that is by no means extinct on the American continent. Similar controversies and debates took place in the English colonies between clergy and traders, and with very similar results, as in practice the commands of the Church and the admonitions of the clergy were frequently, if not generally, disregarded. That the attitude of the Church, both in New France and in New England, was right and just is

¹ Dr. Adam Shortt in *Canada and its Provinces*, vol. ii., pp. 467-8.

manifest. For more than a century this policy has been maintained by statute in Canada.

In 1674 Mgr. Laval's efforts to found the bishopric of Quebec were successful, and it was established by Pope Clement X, with jurisdiction over all the French possessions in North America.¹ The interests of his Church and of the habitants were the supreme concern of the great prelate to the end of his career. To him was due in large measure the re-organization of the Sovereign Council of New France in 1663, of which, as one of his biographers observed, he was the life and soul during his tenure of office. Perhaps his greatest life-work was education. The Seminary of Quebec (now the University of Laval) owes to him its foundation (1663), and in 1684 he established the Chapter of Quebec. For twenty-five years he gave pre-eminent service to New France, exercised pre-dominant authority in its governance, and created an influence which still lives and will long endure.

The period of Bishop Laval's dominating influence includes the commencement of Jean Talon's great service. He was a conspicuous figure from early in 1665 to the close of 1672, during which he filled the office of Intendant, with the exception of two years while visiting France to give attention to personal affairs and to regain his health. The office had been established a few years before as the result of friction between the Governor and the Bishop. The duties imposed upon its occupant were both important and varied. Acting as Chief Justice in all civil matters, he also discharged the duties of final court of appeal. The colonial finances were administered by him and he was charged with the supervision of the equipment of the forces and the furnishing of military stores. Between the death of Champlain and the arrival of Talon, the population of New France had grown but slowly. He gave effective attention to immigration, and with excellent results. The census of 1666, the earliest in New France,

¹ Upon the early vestments of the bishops in Canada the Fleur-de-Lis was embroidered, a reminder of the struggle between Gallicanism and Ultramontanism in France.

had shown a population of 3,215, which in 1673 had increased to 6,705, and in 1675 to 7,833. He approved of the use of brandy in trading with the Indians and obtained an edict of the Sovereign Council to authorize this traffic. His course in this respect brought him into sharp conflict with Mgr. Laval.

The name of Montmagny, second Governor of New France, had been rendered by the Indians into 'Onontio', meaning 'Great Mountain', and thereafter all French governors were thus designated by the Indians. Among them none was more distinguished than Louis de Buade, Comte de Palluau et de Frontenac Senior to Mgr. Laval by three years, he was twice Governor of New France (1672-82 and 1689-98). When he first arrived at Quebec he had reached the age of fifty-two and had served with distinction in many campaigns. He regarded himself as reflecting in New France the power, dignity and pomp of the Crown, and immediately after his arrival he summoned at Quebec an assembly of the Three Estates, nobles, clergy and people, to whom he delivered a stirring address. This attempt to establish in Canada an institution which had fallen into desuetude in France received no support from Mgr. Laval nor from Talon, and was discountenanced by Colbert, the Colonial Minister.¹

During Frontenac's first administration difficulties arose with the English colonies to the South, which had developed very rapidly, as their population in 1688 was estimated at 200,000. It was evident that peace in Europe would not always mean peace between the colonial authorities. Frontenac recognized this with far greater foresight than was apparent in the Governors of the English colonies. Both he and d'Avaugour before him, as well as Talon, urged upon the French Court the vital necessity of securing, by negotiation or by conquest, Lake Champ-

¹ Convinced that his dignity and prestige were detrimentally affected by canoe journeys on the St. Lawrence between Quebec and Montreal, Frontenac applied for means to construct and equip a state barge in which he would make semi-royal progress. The inconsiderate authorities of the mother country failed to be impressed with his view.

lain and the Hudson River region, so as to include the towns of Orange (Albany) and Manhattan (New York), and thus secure a regular winter port. This would cut off the New England settlements from the west, prevent any extension of their power, and secure the French possessions and settlements in the north. Foiled in this purpose by the indifference of the French Court, Frontenac turned his attention to defence and built the fort, which bore his name, at the outlet of Lake Ontario, where the city of Kingston now stands.

Duchesneau, who succeeded Talon as Intendant, differed from Frontenac, and believed that the English colonies were of no real menace to the French possessions; devoted to industry, trade and the arts of peace, their people were quite unfit for war. Later he suggested that for trade purposes an exchange of some of the French West Indies for New York would be advisable. The foresight of Frontenac and Talon realized that, through the development of industry and commerce, these unwarlike English colonies would eventually gather such strength as to determine ultimately the outcome of the colonial struggle.

In Europe, Great Britain and France were at peace when the authorities of New France organized in the spring of 1686 an overland expedition, led by the Chevalier de Troyes and the Sieur Le Moyne d'Iberville against the British trading posts in Hudson's Bay. From Montreal the expedition ascended the St. Lawrence and the Ottawa, thence by way of Lake Temiskaming and Lake Abitibi descended to the Moose River and, after three months of arduous and dangerous voyaging, arrived in the vicinity of Port Hayes on the southern shore of James's Bay. The post was quickly captured in a night attack. Fort Rupert and Fort Albany proved easy prey, and for the first time the Hudson's Bay Company learned of the daring and resourcefulness of d'Iberville, whose name for many years was to be a terror to the English in those northern seas.¹

¹ After the surrender of Fort Albany, its Governor (Sargeant) and d'Iberville in friendly comradeship drank the health of King Louis and

From war in America with peace in Europe we pass to the converse proposal that the French and British dominions in America should remain at peace on land and at sea even though war should break out between the two Crowns in Europe. Governor Stapleton of the British West Indies is said to have originated the idea and to have proposed it to Comte de Balnac, Governor of the French West Indies. Officials of either power were not to aid savages at war with each other. There was to be no trading or fishing by the subjects of one power within the jurisdiction of the other, and no shelter would be permitted to pirates. The provisions with regard to trade were regarded by the English colonists as most unfair and one-sided in their practical operation. This remarkable treaty was actually concluded (16 November 1686) but never was tested, as after the dethronement of James II (1688) its provisions were entirely disregarded by his successor and by the New England Colonies.¹ It was more idealistic than practical and never would have been effective, as neither Crown could restrain the warlike activities of its American subjects even in time of European peace.

When the commanding figure of Frontenac again appeared on the scene, the colonization of New France had made little progress. On the other hand, there was increased menace in the steady growth of the English colonies. England and France were again involved in war (1689) which continued until 1697, the year before Frontenac's death. By splendid strategy and an aggressive attitude, he checked the attacks of the Iroquois and eventually put them on the defensive. In 1690 Sir William Phipps arrived before Quebec with a powerful force. The English anticipated an easy victory and Phipps sent Frontenac a summons to surrender within an hour. But the haughty Governor, who had put the town into strong

King James in several bottles of Spanish wine. Sixty years afterwards a like cordial spirit prevailed at Grand Pré between officers of Coulon de Villiers' command and surviving officers of Colonel Noble's force.

¹ *Canada and its Provinces* vol. 1 pp. 355 and 489 by Adam Shortt and Thomas Chapais.

condition for effective defence, replied that his answer would be from the cannon's mouth, and on the Quebec heights he made good his promise. The English were forced to retire and their attacks upon Montreal by the way of Lake Champlain proved equally unsuccessful. These reverses gave the English colonies a new conception of the peril in which they lay from continued extension of French power in the north and west; and a firm determination arose to free themselves from this peril. On the other hand, the abler French officials saw that the colony with its slow growth and insignificant population could not successfully defend thousands of miles of frontier stretching from the Atlantic to the mouth of the Mississippi. But pride would not permit France to relinquish any part of the splendid domain over which her flag floated.

In 1698 Frontenac died. Endowed with clear foresight, high courage, splendid resourcefulness and an inspiring confidence, he was the ablest Governor and the most picturesque figure among the successors of Champlain.

VI

European Wars involving New France and New England—Vaudreuil—The Deerfield Massacre—Nova Scotia ceded by France—Its neglect by British Government—The Acadians and their deportation—The younger Vaudreuil and Montcalm—The Fall of Quebec—The Cession of Canada.

WE approach the last half-century of conflict. King William's war lasted from 1689 to 1697; the war of the Spanish Succession, from 1702 to 1713; the war of the Austrian Succession, from 1744 to 1748; the Seven Years' War, from 1755 to 1763. But peace in Europe between the rival nations did not always mean peace for their American possessions.

Philippe de Rigaud, Marquis de Vaudreuil, born in 1641, was Governor of New France for twenty years, from 1705 until his death. He was the father of Pierre Marquis de Vaudreuil-Cavagnal, who, a little more than fifty years later, was to surrender New France to the British. In the War of the Spanish Succession (1702–13), as in the previous war, the Indians, sometimes assisted and usually incited by the French, frequently ravaged the New England border. One notable illustration of many such incidents will suffice. The Deerfield Massacre (1704) was instigated by Vaudreuil, who determined that 'we must keep things astir in the direction of Boston, or else the Abenakis will declare for the English'. In midwinter of 1704, Hertel de Rouville, accompanied by four of his brothers, set out from Quebec with an expedition which comprised fifty Canadians and two hundred Indians. Its destination was the village of Deerfield, situated in the extreme north-west of Massachusetts. There was heavy snow and the inhabitants of the village, less than three hundred in number, were wrapped in slumber when the Indians made their onslaught. Many of them, including women and children, were butchered and scalped on the spot. After a series of encounters with those who could make defence, assisted by men who had hurried from neighbouring hamlets, the party turned north with one

hundred and eleven captives, among whom many feeble women and young children, unable to keep pace with the party, were dispatched by a blow of the tomahawk. The quick death-stroke was perhaps merciful; otherwise, the horror of a lingering death from cold and starvation. Not one-half of those captured ever saw home again. Some of them were converted to Catholicism and married Frenchmen. Among them was Martha French, daughter of the town clerk of Deerfield, who married Jean Louis Ménard and became ancestress of the Abbé Joseph Plessis (afterwards Bishop of Quebec) who, nearly a century afterwards, sang a *Te Deum* at Montreal in celebration of Nelson's victory at the Nile.¹

It must not be forgotten that nearly all the English colonies at one time or another sanctioned and encouraged the scalping of Indians and sometimes of their French allies. Bounties for Indian scalps were offered by Massachusetts as early as 1694. New Jersey, New York, Connecticut, and New Hampshire were not slow to follow the example. In the diary of the Rev. Stephen Williams we find several references to this horrible practice, in one of which he records this pious aspiration:

'May 8, 1747—This day we hear yt ye Mohawks have been out and killed severall frenchmen and Bro't in their Scalps I hope this is a good omen; but I desire we may be carefull not to put or. trust in men.'²

ments. He suggested that the Indians should be kept in alliance by liberal distribution of presents and should be stirred up to maintain that the French had no right to concede their lands to the English. Although peace continued thereafter for many years, the French realized that another war was inevitable.

For more than thirty years after the Treaty of Utrecht the British had a very precarious hold upon Acadia. In what is now New Brunswick the French maintained themselves, and Nova Scotia was menaced on one flank from Louisburg, and on the other from Quebec. The population of Nova Scotia was practically all Acadian, and until the founding of Halifax in 1749 the colony was practically neglected. A few British officials at Annapolis without much support and with less appreciation endeavoured to carry on the government and did succeed in establishing a system of law and exercising a certain control. Philipps, who was Governor for thirty-two years (1717-49), spent less than five years in the Province.¹

Under the Treaty of Utrecht, the Acadians had the right to emigrate but the period within which they might exercise it was not fixed. Their failure to avail themselves of this privilege seems to have arisen from two causes. They were reluctant to remove from the fertile lands which they occupied. On the other hand the British authorities eventually refused permission, as they alleged that the right should have been exercised within one year after the treaty. They feared the additional strength the Acadians would lend to Île Royale (Cape Breton), which constantly threatened Great Britain's extremely weak hold on Nova Scotia. However, the British authorities would have been quite unable to prevent migration if the Acadians had really desired to remove.

There was a long and intricate controversy respecting the oath of allegiance. The Acadians were quite ready to

¹ On the 27th of September 1720 he reported to the King that the French considered their allegiance to France indissoluble, as their priests told them so. Further, he declared that the King's authority did not carry beyond the guns of the fort. *Nova Scotia Archives*, pp. 64-7.

accept it in the form proposed but on condition that they should not be called upon to bear arms. It is extremely probable and indeed practically certain that the majority never did accept or subscribe to the oath except upon the oral assurance that they would be exempt from bearing arms.

In 1744 the War of the Austrian Succession broke out, and the two nations were once more engaged in active hostilities. Louisburg, founded by France in 1714, was strongly fortified. The New England Colonies raised a considerable force, which with the co-operation of a powerful British fleet invested and occupied this stronghold in 1745. These Colonies realized more strongly than the British Government the importance of holding Nova Scotia and of acquiring Cape Breton. Massachusetts sent a force under Colonel Noble to Grand Pré in Nova Scotia, which in the winter of 1747 was surprised and overcome by a detachment of French and Indians under the command of Coulon de Villiers.

After the British were established at Halifax, the Governors attempted more direct control over the Acadians, then numbering about ten thousand. There was much futile argument about the form of the oath of allegiance. In those days there seemed to be an obsession with regard to the value of such oaths. As men cannot be made virtuous by legislation, so they cannot be made loyal by oaths.¹ The policy of Governor Hopson was more effective than any oath. On the 15th of December 1752 he

¹ In a Council held at Halifax, 27 September 1753, it was announced that the Acadians were ready to take the following oath:

'Je promets et jure sincèrement que je serai fidèle à Sa Majesté le Roi George Second, et à ses successeurs Dieu me soit en aide'

The Council, however, declined to accept this and declared that the oath must be taken in the following form:

'Je... Promets et Jure sincèrement que Je serai fidèle, et que Je porterai une Loyauté parfaite vers Sa Majesté le Roi George Second'

'Ainsi que Dieu me Soit en aide.'

Apparently the Council considered that the loyalty of the Acadians was dependent upon the difference between these two forms. *Nova Scotia Archives*, pp. 204-5; pp. 78 and 84.

addressed an order to his officers throughout the Province, in which he declared that they were 'to look upon the French Inhabitants in the same light with the rest of His Majesty's subjects, as to the protection of the Laws and Government, for which reason nothing is to be taken from them by Force, or any Price set upon their goods but what they themselves agree to; and, if at any time the Inhabitants should obstinately refuse to comply with what His Majesty's Service may require of them, You are not to redress yourself by Military Force, or in any unlawfull manner, but to lay the case before the Governor & wait His orders thereon'.¹

Peace had been restored in 1748 by the Treaty of Aix-la-Chapelle, but the Seven Years' War broke out in 1755. On September 5th of that year a pathetic scene was enacted where the hills of Grand Pré sloped down to the meadows recovered from the ocean by the patient labour of the Acadians. The inhabitants were gathered together in their church by summons from Colonel Winslow, commander of a strong military detachment, and were informed of the final resolution of His Majesty, which declared that all French inhabitants in those districts should be removed. Their property would be confiscated by the Crown, except money and household goods, and very little of the latter could be taken upon the over-crowded transports. Their homesteads were burned, their cattle were removed or left to perish, their abundant crops were appropriated or destroyed. Families were separated and never reunited. On the eve of winter and without adequate arrangements for their reception they were scattered along the Atlantic coast among British possessions, whose governments were reluctant, and in some cases refused, to receive them. Many of them perished from suffering, privation, and hardship. Some of them escaped to the forest and some found their way back to Nova Scotia.² To-day their descendants in the Maritime

¹ *Newa Scena Archivæ*, pp. 197-8; *History of Grand Pré*, by John Fredenc Herbin, p. 83.

² In 1769 considerable tracts of land were granted to Acadians in the

addressed an order to his officers throughout the Province, in which he declared that they were 'to look upon the French Inhabitants in the same light with the rest of His Majesty's subjects, as to the protection of the Laws and Government, for which reason nothing is to be taken from them by Force, or any Price set upon their goods but what they themselves agree to; and, if at any time the Inhabitants should obstinately refuse to comply with what His Majesty's Service may require of them, You are not to redress yourself by Military Force, or in any unlawfull manner, but to lay the case before the Governor & wait His orders thereon'.¹

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Provinces number one hundred and fifty thousand prosperous and contented people.

Britain cannot look back with pride nor France with satisfaction upon this episode. The resolution to deport the Acadians was doubtless regarded by Governor Lawrence and his Council as a necessary war measure in view of the struggle then proceeding for the possession of Acadia. This determination, however, was not based upon consultation with, or authority from, the British Government. The decision was apparently influenced by Brad-dock's overwhelming defeat at Fort Du Quesne on the 9th of July 1755, the report of which reached Halifax within a fortnight. It is only fair to add that intercepted dispatches from the French Government to Louisburg revealed a plan of campaign to destroy Halifax and drive the English into the sea. Further, the Acadians absolutely refused to take the oath of allegiance in the form pre-scribed by the Council. The expulsion was, however, illegal, and it was carried out with great cruelty and in-humanity. Lawrence's action cannot be justified; nor is its odium lessened by the avowed intention of the French Government little more than half a century before, to mete out the same stern and cruel treatment to the British and Dutch settlers of New York in case the projected invasion of that colony should be successful.¹ The deportation of

the Acadians must rank with the persecution and expulsion of the Huguenots and with the unreasoning violence that drove the Loyalists from the Thirteen Colonies

The French authorities were by no means blameless. By the 14th Article of the Treaty of Utrecht (1713) French subjects in the ceded colonies might remove within a year but, if willing to remain and to be subject to the Kingdom of Great Britain, they were to enjoy the free exercise of their religion, according to the usages of the Church of Rome, so far as the laws of Great Britain permitted. The British admitted French missionaries to Acadia, upon the understanding that they would not use their positions to the prejudice of the British Government. This was emphasized in a dispatch from Maurepas, Minister of Marine, to Governor Brouillan at Louisburg on the 16th of April 1737,¹ in which he declared that the missionaries in Acadia were subject to the English Government, and must teach the people by word and example the obedience due to the British Crown. The great majority of the Acadians undoubtedly sympathized with the efforts of France to recover Acadia,² and, after Maurepas, the

mechanics and other working people as were necessary to cultivate the land and to work on fortifications distributing them among the French inhabitants. When the situation became entirely secure they might be restored to liberty. Any wealthy inhabitants were to be held for ransom. All others men women and children were to be deported to New England Pennsylvania or elsewhere. Public Archives of Canada. *Documents relating to the Colonial History of the State of New York Paris Documents 1631-1744* vol ix pp 423-6. Also *Comte de Frontenac par Henri Lorin* Paris 1895 p 358. Plus tard les Anglais hésitèrent ils après le traité d'Utrecht qui leur livrait l'Acadie à traiter les Français de ce pays comme Louis XIV avait voulu jadis les traiter eux mêmes?

¹ Il faut comme vous le marqués vous même dans votre dernière lettre à M Armstrong que par leurs exemples et leurs discours ils inspirent au peuple l'obéissance due à S M B et à tous ceux qui commandent pour elle dans la province. C'est ce que vous devés continuellement leur recommander et lorsqu'ils se condu roent ainsi il est à croire qu'ils auront toute la liberté qui peut leur est [être] nécessaire et que les Catholiques de ce pais-la ne seront pas privés des secours sp rituels —Archives Nationales *Archives des Colonies* B 65 Sect 4 (1737) p 797 Transcript in the Public Archives of Canada

² Je prends la liberté d'exposer à Votre Grandeur que l'on trouvera

French Government was not scrupulous in its endeavour to turn that sentiment to good account. Abbé Le Loutre was, with Father Maillard, especially commended to the Governor of Nova Scotia by the Governor of Île Royale. In a letter to Maurepas' successor, Rouillé (29 July 1749), Le Loutre set forth his intention to return to Nova Scotia and, under the guise of ministering to the religious needs of the Acadians and Indians, to devote himself to inciting perpetual attacks upon any English settlement which might be attempted, especially in the neighbourhood of Halifax. His avowed purpose was to prevent the English from maintaining themselves in any part of the province. Should he be accused of this design he would stoutly maintain his innocence. 'Such, your Highness, is the resolution which I intend to follow out in the interest alike of the state and of religion.'¹ This pious intention he carried into effect. Under his influence the Indians constantly harried the new settlements and killed or carried into captivity at Quebec men, women and children. Le Loutre did not scruple to coerce the Acadians by threats of religious penalties and of Indian attacks. Except for his overwhelming influence and unscrupulous methods they would undoubtedly have made their peace with the British Government. But, as it was, they were ground between the upper and the nether millstones. The majority of the missionaries followed the example of Le Loutre, although some of them in the neighbourhood of Annapolis declined to violate their pledges. The Acadians in that district had given no assistance to Du Vivier at the Siege

plus de mille familles acadiennes pour établir les rivières et la côte dont on vient de prendre possession, elles sont toutes prêtes à se soumettre à l'obéissance de Sa Majesté Très Chrétienne et à se sacrifier pour soutenir la gloire et l'intérêt de l'état'—Le Loutre to Rouillé, 14 October 1749
Collection de Documents relatifs à l'Histoire de la Nouvelle-France, Québec, 1884, pp. 457-8.

¹ 'Voilà, Monseigneur, le parti que je vais prendre pour le bien de l'État et de la Religion, et je feray mon possible de faire paroître aux Anglois que ce dessein vient des Sauvages et que je n'y suis pour rien'—*Collection de Documents relatifs à l'Histoire de la Nouvelle-France*, Québec, 1884, pp. 438-9.

of Annapolis Royal in 1744. The Bishop of Quebec, under whose ecclesiastical jurisdiction the missionaries of Acadia had been placed, strongly disapproved of Le Loutre's course, but the latter was encouraged and maintained by the French Government. Their chief complaint was that his reckless zeal might compromise them during a period of peace, and they protested against the exorbitant price allowed to Indians for British scalps.¹

The stage was now set for the final act in this great drama of rivalry and conflict. When Louis Joseph, Marquis de Montcalm, arrived at Quebec on the 13th of May 1756, a great soldier appeared on the scene. War had broken out before his arrival, which was preceded by that of the Governor, Marquis de Vaudreuil-Cavagnal, son of a much abler predecessor. The younger Vaudreuil, vain and incapable, was displeased that a distinguished soldier should be selected for command of the regular forces, as the appointment reflected upon his own military capacity, of which he apparently entertained a high opinion. Unfortunately for the French cause, the Governor could exercise final control over the military forces, the seamen, militia and Indians were under his direct command. The Intendant Bigot, who was head of the civil administration, has left an evil reputation which still persists, but which in some respects may prove to have been undeserved. Of Montcalm's military genius there can be no doubt. Until 1759 no British commander opposed to him was by any means his match. His notable capture of Oswego in 1756 was a consummate feat of arms, and secured inland communication from Quebec to the mouth of the Mississippi. Its profound impression upon the Indians was seen in the spring of 1757 at their gathering in Montreal. To them Montcalm was the supreme war chief, who had swept the British from his path, and in whose eyes they saw 'the strength of the oak and the swoop of the eagle'. Early in July he left for the frontier and by August 9th he had

¹ Public Archives of Canada. *Documents relating to Canadian Currency Exchange and Finance during the French Period* 1925 vol ii pp 744-5
Canada and its Provinces vol xiii p.89 et seq.

captured Fort William Henry, the garrison surrendering with the honours of war.¹

But through all this period, and notwithstanding repeated victories, it was apparent to Montcalm that the end was near. The English colonies, whose military power was demonstrated within the next twenty years, could put into the field a fighting force far outnumbering the entire population of New France. Danger would eventually overcome their jealousies and lead them to a common purpose and united action. The seas were dominated by Britain, and the British Government was dominated by a man for whom there would be no half measures. Once more, however, the laurel of victory crowned Montcalm. At Ticonderoga in the summer of 1758, Abercromby led 14,000 men against 4,000 behind strong palisades. Of his force only 6,000 came into action against 3,000 French regulars. British valour under incompetent command beat in vain against the magnificent defence of Montcalm, whose genius was again triumphant.²

The highest reward that Montcalm now desired was recall, for which he wrote, but news of disaster elsewhere in the capture of Louisburg on the 26th of July of that year made him resolve to remain at his post until the end.

A year afterwards in the darkness of a misty September

¹ When the British moved out next day they were attacked by the Indians and many of them massacred. Montcalm and his officers rushed to the scene, and doubtless did everything possible to prevent its continuance. But they cannot be held altogether blameless in not taking effective precautions, as they must have been aware of the characteristics of the Indians, which were well known to the Canadian officers in Montcalm's army. The claim put forward by a French officer that the British were guilty of cowardice in not defending themselves is utterly unworthy of consideration. They had no ammunition and few of them even had bayonets. Under the conditions of surrender they had a right to expect honourable treatment. If they had engaged in battle with the Indians, there can be little doubt that the conflict would have become general and that few of them would have survived. The incident raised a storm of fury throughout the British colonies.

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night, a Highland officer called out 'La France' in response to the French sentinel's challenge below the Quebec heights. Upon that challenge and the reply hung the immediate destiny of half a continent. The sentinel raised no alarm and the British convoy of boats glided quietly along to the Foulon, just above Quebec, without further challenge from the shore. For more than two months the indomitable spirit of James Wolfe had risen superior to physical weakness and repeated disappointment. It is said that fortune favoured him in this supreme effort; but it was such fortune as attends military genius of the highest order, detecting and seizing opportunity that other men fail to discern. He had, indeed, an ally in the incompetence and obstinacy of Vaudreuil. If Montcalm had been in supreme command at Quebec, Wolfe might not have found his opportunity. Quebec would eventually have fallen, but there would have been a different story. As it befell, Death came hand in hand with Victory to meet Wolfe in the chill of that September morning; and his heroic antagonist fulfilled the ancestral tradition, 'La guerre est le tombeau des Montcalm'.

In the following year Levis forced back the British at the battle of St. Foye. Quebec was invested and Murray would have been obliged to surrender except for the arrival of a British squadron. The French line of communication was cut and their ships surrendered after a most gallant fight by Vauquelin in the *Atalante*. On September 8th Vaudreuil signed at Montreal a capitulation under which the fleur-de-lis ceased to float over New France. This surrender was confirmed by the Treaty of Paris in 1763 and the sovereignty of an immense territory passed to the British Crown. By that treaty His Most Christian Majesty renounced 'all pretensions . . . to Nova Scotia or Acadia in all its parts' and ceded and guaranteed to His Britannic Majesty in full right 'Canada with all its dependencies as well as the Island of Cape Breton'.

VII

Pontiac's Rebellion—Le Règne Militaire—Immense difficulties in governance of 'New Subjects'—Attitude of Canadians during Revolutionary War—Carleton's ineffective appeal—Disaffection among 'Old Subjects'.

AFTER the Treaty of Paris (1763) the British considered that all danger and difficulty had disappeared. But French influence, which was still powerful in the Mississippi valley, kept the savages in antagonism to the British. France still entertained the dream of recovering Canada; her traders, frontiersmen and missionaries used every endeavour to arouse the anger and resentment of the Indian tribes, who were persuaded that the British intended their extermination. The contemptuous attitude of the British garrisons which replaced the French in the western posts contributed to this belief. Even before the Treaty of Paris was signed (February 1763) the war belt of wampum and the red tomahawk were borne to the villages and camps of the various tribes. With native eloquence and vehement gesture the ambassadors of the great leader, Pontiac, urged the tribesmen to accept the war belt and to take up the hatchet which would pledge the assembled chiefs to join in the war. When the moon changed in the following May the tribes were to rise together, surprise and destroy the English garrisons and then unite in exterminating the frontier settlements. Among the Five Nations many of the Senecas and a few of the Cayugas were parties to the conspiracy. The British flag flew on a score of forts from Niagara to the eastern shore of Lake Michigan. It was upon these that the storm broke when Pontiac gathered the western tribes under his leadership for the purpose of driving the British out of the country. Nearly all the posts fell before savage and treacherous onslaught. Hundreds of lives were sacrificed. The forts and the homes of settlers were involved in a whirlwind of destruction. Hundreds of women and children were carried into captivity. The outbreak was not wholly subdued until 1765. But the

That the French subjects should have received from him at the very first a favourable impression of the fairness and generosity of British rule was a national asset that cannot be over-estimated.

It was inevitable that there should be incomprehension and misunderstanding on the part of the government and *of the governed*. *In respect of the vital differences of religion and language the best possible provision had been made; but there were also marked divergences of temperament and dissimilar conceptions of governmental and social organization.* British ministers and officials seem to have been confident that the inestimable advantages of British law would be warmly welcomed by the Canadians, while the latter, desiring in the first place the preservation of their religion, were also deeply attached to the system of laws under which they had been governed in the past. The seignorial system of land tenure with its attendant incidents of feudal custom was continued by the British, but not the office of Intendant, which had been of the highest importance in making the system workable. This system persisted until 1854, when it was abolished by Statute.

The habitants were at first suspicious of the promise of representative institutions, which they were disposed to regard as merely an instrument of taxation. In earlier centuries, somewhat similar views had prevailed in the British Islands. On the other hand, both Murray and Carleton, his successor, had to meet the insistence of the newly arrived British population for the creation of such institutions. Those who had migrated to Canada from the British colonies before the Revolution naturally regarded a representative assembly not as a privilege but as a right. In the early days of the British régime there were but a few hundreds of these migrants, while the French population numbered more than seventy thousand. The 'old subjects' as they were called, demanded not only representative institutions, but entire exclusion of the 'new subjects' practically adopted by the Marquis and the Marquise de Vandreuil. At her intercession a soldier, condemned to death by Murray, was pardoned.

therefrom. With no affectation of modesty, they averred that notwithstanding the paucity of their numbers a highly intelligent and capable assembly could be constituted from their ranks. They pressed their case with remarkable insistence, and even vehemence, taking it for granted that the French population should have no part or lot in the government. Murray's hot temper has left on record very frank and strong expressions with regard to this element. Acceptance of their demands might have inured for a time to their personal advantage; but it would have been attended with the gravest detriment to the State and with glaring injustice to the new subjects.

The ideal of a representative assembly which would be wholly unrepresentative of the great mass of the population was, indeed, paralleled at the time by conditions in Great Britain, where the control exercised by the Crown and the hereditary aristocracy, through pocket-boroughs and otherwise, left the major part of the population without direct representation in the House of Commons. It may be said that through his control of the Commons and the weakness and subservience of his ministers, George III during a considerable period possessed himself of an authority almost as absolute as that of Henry VIII. '*His Majesty's Servants*' were literally His Majesty's servants. Among the causes of the American Revolution might safely be included the British system of pocket-boroughs.

I do not pause to consider the complexities of events between 1763 and 1791. There was one significant episode to which allusion should not be omitted. Sir Guy Carleton, who succeeded Murray as Governor-General and Commander-in-Chief was, like his predecessor, most sympathetic with and considerate of the new subjects and their outlook. When the revolutionary war was imminent he believed, and so informed General Gage, that there would be no difficulty in raising several regiments of Canadians, and he undertook to form and to forward two or even four such regiments to reinforce Gage's command at Boston. In the result he was utterly disappointed. The burden of military service imposed upon the Canadians

under the French régime had been oppressive, but the purpose for which they then fought had a sentimental appeal which was wholly lacking in 1775. They had begun to acquire a clearer conception of their status and rights under the new régime. The seigneurs' call to arms was no longer a command.

There has been frequent assertion that Canada was saved to Great Britain by the French Canadians during the War of the Revolution. That is true in an exceedingly limited sense. The seigneurs, the clergy, and the religious societies strongly supported the British cause. But the great majority of the habitants were entirely passive; a very limited number fought during the war, about equally divided between the two belligerents. The seigneurs and the clergy acted promptly upon Carleton's appeal that the people should be summoned to the duty of defence, but there was no effective response. In the long conflict that lasted for two generations before Quebec fell, the splendid fighting qualities of the Canadians had been pre-eminent. Their stubborn defence on the Plains of Abraham, after the regulars had given way, was memorable. Thus it is apparent that, if the habitants or a considerable majority of them had joined the American forces, Quebec would have fallen and Canada would probably have been lost to Great Britain. In this sense only is it true that the French Canadians preserved British rule in Canada. The English-speaking population of the province consisted chiefly of migrants from the Thirteen Colonies, among whom there was a larger proportion of the disloyal and the disaffected than among the French.

There was strong disaffection also among the inhabitants of Nova Scotia (which then included New Brunswick), who had pronounced sympathy for their relatives and friends in the New England States. A long address from the Assembly of that Province was presented to Parliament by Lord Chancellor Bathurst on the 26th of October 1775. The members of the Assembly bewailed 'this dreadful and alarming crisis'; they declared themselves to be 'influenced by principles of humanity and the just rights of mankind'

in civil society'; they were concerned not only for the Crown and the country but for 'the British American race, once the most loyal, virtuous and happy of mankind'. After demanding the redress of many grievances they concluded with the following prayer:

May the spirit of concord, justice and public virtue, direct the councils of the British senate; and may the father of mercies preserve constitutional freedom to the British race in every part of the globe.²

² *History of Nova Scotia*, by Beamish Murdoch, vol. II, pp. 541-3, 558-9. Some of the Nova Scotian settlers of New England origin, following the example of their Acadian predecessors, desired to be regarded as neutral.

VIII

Nature of the Revolutionary War—Its causes—The expulsion of the Loyalists—Their trek into the Wilderness—The hardships of pioneer life—Canada's debt to them and to the French Pioneers

WITH the fall of Quebec and the subsequent cession, Great Britain at one stroke won and lost half a continent. Twenty years after the Treaty of Paris (1763), the Treaty of Versailles (1783) acknowledged the independence of the Thirteen Colonies. So far as Great Britain was concerned the war of the Revolution was waged by the King and an oligarchy of aristocrats. There was no effective representation of the nation in the House of Commons, which was elected mainly by the influence of the Crown and the great ruling families. In the colonies a strong minority was opposed to the war or at least to separation. In these aspects the struggle possessed many of the characteristics of a civil war.

It is interesting to recall that throughout his life Cecil Rhodes constantly deplored that most unhappy event, and expressed an ardent hope that the United States would be reunited with the British Commonwealth. That reunion, he believed, would assure absolutely the peace of the world. Some such hope had appealed to an earnest and capable American student of British Colonial policy during the period 1754–65, who expressed it in these words:

The political evolution of the next centuries may take such a course that the American Revolution will lose the great significance that is now attached to it, and will appear merely as the temporary separation of two kindred peoples whose inherent similarity was obscured by superficial differences, resulting from dissimilar economic and social conditions.¹

Without formal alliance but in union of purpose and aspiration, in co-operation for the highest service of demo-

¹ *British Colonial Policy, 1754–1765*, by G. L. Beer, p. 316

cracy, in common effort to uphold public right, something of Rhodes's dream may come true. Each of these Commonwealths is a security to the other and a safeguard of the world's peace.

The murmurings of increasing antagonism between the Thirteen Colonies and the Mother Country had grown more intense from time to time for a quarter of a century before the Declaration of Independence. Eventually it flamed into the Civil War of the Revolution. If Franklin's plan (1754) for a federated union of the colonies had been accepted and carried into effect, it is probable that there would have been no revolution, but later a peaceful separation. 'Everybody cries a Union is absolutely necessary, but when they come to the Manner and Form of the Union, their weak Noddles are perfectly distracted.' Their strong particularism and their intense jealousies of each other prevented such co-operation between the colonies as would enable them to accept a just share in the responsibility for their defence. Great Britain's insistence that they should undertake this was entirely reasonable, but the coercive method by which she sought to enforce it was utterly short-sighted and of doubtful constitutional propriety, even if it was technically legal. On the other hand, colonial refusal or evasion of necessary effort and co-operation for defence was perverse and discreditable, but the principle of self-government in domestic affairs for which the Americans fought has justified itself throughout the English-speaking world.¹ Paradoxical as it may seem, the disunion of the Thirteen Colonies was the foundation of their subsequent union, for out of it arose coercion followed by conflict and separation. After separation they were driven to rely upon their own strength, which at first was negligible without effective co-operation. Lacking the support of a powerful parent state, they were confronted with union as the sole alternative to insignificance, weakness, and probable disaster.

¹ Franklin to Collinson, 29 December 1754.

² See *British Colonial Policy, 1754-1765*, by G. L. Beer, pp. 22, 263-5, 274.

Without dwelling upon the causes that led to the Revolution, I pass to a consideration of its influence upon the colonization of Canada. An American writer¹ estimates that in New England probably more than half of the most educated, wealthy, and hitherto respected classes were comprised in the Tory party. The same authority declares that the eleven hundred refugees who sailed away with General Howe when he evacuated Boston comprised a majority of the old aristocracy of Massachusetts. Among three hundred names listed in a Massachusetts Act (1778) for the punishment of Tories were representatives of nearly all the families distinguished in the early colonial days. The same conditions seem to have existed in New York and in Pennsylvania, while in Virginia the upper classes were usually on the Whig side. In driving from their midst these important elements, who, under generous treatment, would have been loyal and influential citizens, the Thirteen Colonies matched the unwisdom of France in expelling the Huguenots. The Loyalists came to the Maritime Provinces (especially to New Brunswick) and to Ontario, an enterprising, energetic and highly intelligent people, whose memories of the harshness and cruelty with which they were expelled and of the hardships, privations and sufferings which they endured have come down through many generations to their descendants. They began life anew amidst the solitudes and severities of inhospitable forests, wholly deprived of the comforts and conveniences to which they had been accustomed. Not infrequently fever and ague, lurking in the neighbouring swamps, paralysed the energies and sapped the strength of the pioneer. From these undrained swamps and from stagnant pools came in summer the unbearable torment of insects, while the rigours of winter, more severe than at present, were intense. Many of the pioneers were quite unsuited to the life of the wilderness. During the French Régime the Sovereign Council had pointed out the folly of inducing such persons to undertake pioneer life in New

¹ *The American Revolution considered as a Social Movement*, by J. Franklin Jameson, p. 21 et seq.

France One writer² thus describes the experiences of Loyalist pioneers

Women, delicately reared, cared for their infants beneath canvas tents, rendered habitable only by the banks of snow which lay six feet deep in the open spaces of the forest. Men, unaccustomed to toil, looked with dismay at the prospect before them. The non arrival of much needed supplies before the close of navigation added to their distress. There were days when strong men exhausted by cold and famine, lay down in their snow bound tents to die.

The pioneer dwelling was of the most primitive character, built of logs roughly notched together at the corners and piled one above the other for the walls. The spaces between were chinked with small poles and plastered outside and inside with clay for mortar. For a roof there were strips of elm or other bark, for a hearth flat stones, for a floor split logs. Where no boards could be procured for a door, a blanket suspended inside took its place. The furniture was equally primitive. Grain was crushed by rude appliances, with an axe upon a flat stone, or in a wooden mortar made out of the trunk of a large tree, hollowed by the use of a hot iron. After the establishment of mills, wheat was sometimes carried on foot for twenty miles. For clothing the pioneer learned from the Indians to manufacture garments from deerskin and to fashion moccasins out of buckskin. After flax was cultivated and sheep began to be raised every farmer became his own tanner and shoemaker, while his wife and daughter spun and wove.³ The strength, resourcefulness and endurance of the French habitants, of the British pioneers and the Loyalists, shaped and guided Canada's destiny. Canadians of the present day, enjoying a standard of comfort and convenience not surpassed in any other country, realize very imperfectly the privations and hardships, the resolution and heroism, of those who began the reclamation of the wilderness and bequeathed to their descendants an

² *Canada and its Provinces* vol. xi p. 150

³ *The Settlement of Upper Canada* by Wm. Canniff pp. 185-7

unequalled heritage of opportunity.¹ The epic of that period has not yet been written, perhaps never will be written, but every descendant of a Loyalist in Canada holds himself honoured in the memory of his ancestor.

In these exiles dwelt something of the spirit to which Rhodes appealed in addressing his Rhodesians almost for the last time. 'To be in this country', he said, 'is surely a happier thing than the deadly monotony of an English country town or the still deadlier monotony of a Karroo village. Here at any rate you have your share in the creation of a new country . . . a new part of the world. Those who fall in that creation fall sooner than they would in ordinary life, but their lives are better and grander.'²

¹ During a political campaign some twenty years ago I met in a beautiful town of eastern Ontario two men who had lived for more than eight decades, and who as boys had journeyed there through the wilderness for a hundred miles or more. With no food, no furniture and no implements, except such as the men could carry on their backs, this pioneer party tramped for days through unbroken forests. At night they slept in the open under the stars, with such rude shelter as could be hastily devised. Not men alone, but women as well, made that pilgrimage through the forest. A child was born in the wilderness and mother and child safely reached their destination.

² *Life of Cecil Rhodes*, by Professor Basil Williams, p. 292

ocean. This fantastic project of a Canadian House of Lords never advanced beyond the statute book and has almost escaped recollection. The oligarchic order that prevailed in Great Britain never had its counterpart in Canada unless the reactionaries of the famous Family Compact, which fought to the last against government by the people, may be so regarded.

But if it may be said that British ministers lacked political vision in some aspects, it should never be forgotten that from the first they kept full faith with the new subjects in scrupulous fulfilment of all obligations imposed by the Capitulations and the Treaty of Paris. It would be scant justice to say merely that these obligations were literally carried out. The narrow letter of the obligation was practically disregarded in the broad and generous construction which was adopted and followed. For this policy both races in Canada should hold British statesmen of that period in grateful memory.¹

The establishment of representative institutions is a critical event in the political education of a people who are thus called to share in their governance. If it is unaccompanied by reasonable control over the executive, and if the people thus governed are endowed with such political vigour, initiative and capacity as characterize the British stock, a situation is created that cannot endure. There will ensue either domestic control or separation.

For nearly half a century discontent, controversy, agitation, ebbed and flowed, but each recurrent tide rose higher. 'Her Majesty's Servants', whether they were designated as 'The Home Office', 'The Colonial Office', or otherwise, considered it their duty to keep Canada in leading strings. When communication was a matter of weeks, they were fully convinced that at the long range of three thousand miles they could administer the domestic affairs of Canada much better than Canadians. In a powerful bureaucracy there may be born a conviction that the people exist for officialdom, not officials for the people.

¹ See the Royal Proclamation (1763), the Quebec Act (1774), the Constitutional Act (1791), and subsequent relevant enactments.

Since great Britain desired to retain as long as possible the adhesion of her colonies which were regarded as of commercial advantage, it is hard to understand why ministers or officials failed to comprehend the vital importance of diverting local dissatisfaction from the home authorities. With the control incidental to responsible government the colonists would of necessity visit their indignation not upon the mother country but upon the executive which they had established and could displace. It must be remembered, however, in the first place, that in the early years of the nineteenth century responsible government was not yet fully understood or solidly established in Great Britain, and, secondly, that it was not till the third decade of the century that the Canadians themselves began to recognize the importance of responsible government and to demand its institution in Canada. The subsequent refusal of it for some twenty years may be traced to the indifference and sometimes the ignorance of ministers, to the sense of superiority and the lack of sympathy which afflicted the bureaucracy, to the influence of interested place-men in Canada, and last, but not least, to narrowness of outlook and failure to realize the only possible basis of permanent relations. Moss-grown officialdom nearly cost the Commonwealth another half-continent.

Colonial mismanagement was unquestionably due in some measure to the frequency with which Colonial Secretaries were displaced.¹ Between 1801 and 1812 there were no fewer than six successive occupants of that office; between 1827 and 1849 there were thirteen. During the first half of the nineteenth century it was rare to find a Colonial Secretary who fully appreciated the vital issues with which his duties were concerned. The only Colonial Secretary who held office for a considerable period (1812-27) was Lord Bathurst, whose administration was too frequently characterized by ignorance, indifference, indecision, and ineptitude. When Lord Dalhousie visited England in 1824 to set forth his

¹ Mr. William Smith, of the Canadian Archives.

IX

The Quebec Act and the Constitutional Act—Representative Institutions—Official Dispatches—‘His Majesty’s Servants’—Singular Views—Faith is strictly kept with New Subjects—Colonial Mismanagement—Rebellion in Canada preceded by Imminence of Civil War in England—Lord Durham’s Report—Burke’s Prophetic Vision—Baldwin, La Fontaine, and Howe

THE Quebec Act (1774) established a statutory system of government, upon the details of which it is not important to dwell;¹ the Constitutional Act (1791) provided for the division of the province into Upper and Lower Canada with representative institutions. Such institutions were no new departure in British colonial policy. For more than one hundred years before the Revolution they had existed in the Thirteen Colonies, some of whose Assemblies had exercised wider powers than those sanctioned by the Constitutional Act. In Nova Scotia an Assembly had been established in 1757;² in New Brunswick and Prince Edward Island not many years afterwards. The striking feature of the Constitutional Act was the granting of parliamentary institutions to a population predominantly French and profoundly attached to a religion which in Great Britain was still banned by penal laws. In these institutions the language and the religion of the French-Canadians were admitted to equal rights.

Official dispatches which preceded the introduction and passage of the Constitutional Act give a useful exposition of the situation as it was understood by British ministers and officials after an experience of twenty-five years in governing the new subjects. An interesting estimate of the causes and results of the American Revolution is revealed. A dispatch from Lord Grenville to Lord Dorchester (20 October 1789), setting forth the views then

¹ An interesting and useful study of this Act and of its operation has been made by Professor R. Coupland, of Oxford University. *The Quebec Act. A Study in Statesmanship*, Oxford University Press.

² *History of Nova Scotia*, by Beamish Murdoch, vol. II, pp. 324–5, 351.

pervading the Colonial Office, should especially be noted. It enclosed a lengthy 'discussion of petitions and counter-petitions re changes of government in Canada'.¹ The main purpose indicated was to discover 'by what means the connection and dependance of Canada, on this country, may be so preserved & cultivated, as to be render'd most beneficial to Great Britain, during its continuance, & most permanent in its duration'. Doubt was expressed 'from an observation of the late events in America, whether the degree of freedom, which the measure now proposed would give to the Canadians, is not inconsistent with the existence of a dependent Government'. The next two paragraphs deserve to be quoted in their entirety:

It may, perhaps, be justly doubted, whether any form of Administration which could now be established, would prevent the separation of so great, & distant a dominion, after it should have arrived at a certain point of extension & improvement.

But the real question now to be decided is, what system is best calculated to remove this event to a distant period & to render the connection, in the interval, advantageous to the Mother Country without oppression or injury to the Colony?²

The dispatch discusses the genesis of the American Revolution, which is attributed in large measure to the great distance of those colonies 'from the seat and residence of Royal Authority', the absence of suitable arrangements for conferring honours and emoluments and the failure to preserve a due mixture of the monarchical and aristocratical parts of the British Constitution. This lack the British Government undertook to remove in the Constitutional Act of 1791 by provision for hereditary titles, to which should be annexed the right to be summoned to the Legislative Council of the Province. It did not appear that 'His Majesty's Servants' had made a very thorough study of the causes that had precipitated revolution. Perhaps severe criticism would be unjust. Even in our day it is difficult to see and to comprehend beyond the

¹ Canadian Archives: *Constitutional Documents, 1759-1791*, second and revised edition, p. 970

² *Ibid.*, p. 982.

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difficulties and to obtain counsel and encouragement, his endeavours to reach useful discussion were turned aside by Bathurst with ponderous attempts at humour. This minister, responsible for an immense colonial empire, displayed no real interest until Dalhousie in utter discouragement reached for his hat.

During this period Canada was involved in the war of 1812-14, an unfortunate and useless war which never would have occurred if present means of communication had been then available. Both British and French Canadians took their full part in defending their country against invasion. Colonel de Salaberry led his compatriots to victory at Chateauguay. The sons of the Loyalists rallied to the flag throughout the English-speaking province. Isaac Brock, falling victorious at Queenstown, became a national hero, and Laura Secord rivalled the courage and endurance of Madeleine de Verchères in the previous century.

It would be idle to attempt a review of the long struggle from which emerged real liberty and self-government in Canada. Its complete history remains to be written and the material is even now being assembled in the Archives of Canada. It was not unlike the struggle by which power passed from the Crown to the Commons of England. A counterpart may be found in the determined and eventually violent movement that forced the passage of the Reform Bill of 1832. In 1837 the agitation for self-government flamed into rebellion in two Canadian provinces. A few years earlier Great Britain was on the verge of civil war when at first the Reform Bill met defeat. The agitation in the British Islands had its analogue beyond the ocean. In Great Britain, Parliament had acquired practical control of the executive, but was quite unrepresentative of the great mass of the people. In Canada the franchise was much wider, but the Legislature was overborne by an irresponsible executive.¹

It was fortunate for Canada that Lord Durham, who

¹ That is, without responsibility to the Legislature but continually subject to the control and dictation of an absentee, self-sufficient and uninformed bureaucracy.

came in 1838 as Governor-General and High Commissioner, was well in touch with the advanced political thought of the period, and that he had capacity to grasp unfamiliar conditions. His service to the Empire and to Canada was signal and distinctive, although his proposals were of unequal merit. In a single sentence of his memorable report (January 1839) his most important conclusion is set forth:

The Crown must . . . submit to the necessary consequence of representative institutions; and if it has to carry on the government in unison with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence.

More than half a century before Durham appeared on the scene, the principles upon which the governance of the British Empire could be securely based had been set forth in eloquent phrase by a great Irishman. For practical administration of affairs Edmund Burke easily proved his incapacity, but in the region of political philosophy his vision perceived what was hidden for nearly a century from the sight of less-gifted men. The colonists' fierce spirit of liberty, their right to an interest in the constitution, the spiritual bonds which would unite them to the Motherland—upon these considerations Burke laid splendid emphasis.¹ These are indeed the ties that to-day hold

together the autonomous nations of the British Commonwealth

Among the great Englishmen whose foresight and courage preserved the threatened unity of the Empire, Lord Durham, Lord Grey, and Lord Elgin are conspicuous figures. They followed the path to which Edmund Burke had pointed.

Several of the limitations which Lord Durham thought it expedient to impose upon domestic control had a very temporary existence and not many years elapsed before all were swept away. Lack of foresight was also manifest in his anticipation that the French race in Canada would be absorbed by the British. Ten centuries have brought about in the British Islands commingling but neither absorption nor fusion of races. One may still discern the romantic, imaginative and valorous temperament of the Celt, shot through with slender and intermingling threads of mirth and melancholy, the sturdy, independent, liberty-loving spirit of the Saxon which has held firm the thin red line on many a field, the Norse strain distinguished by initiative, resourcefulness, energy and adventure, and the Norman genius for leadership, instinct for orderly government self-control and discipline. So it was futile to expect in Canada the absorption of a virile people deeply attached to their language, their religion, and their traditions. Nor was it in the least desirable that such a fusion should take place. The qualities of the French and the English temperaments are in many respects complementary. Each is capable of distinctive service to the state and each has given it. Not in fusion but through co-operation the highest service of the two races can best be given to Canada.

contemptuously that separation from the Empire was the only alternative to unsympathetic government by irresponsible and uncontrolled officialdom?

Some time elapsed before the British Government yielded to the logic of the case so ably argued by Baldwin, Durham, and Howe. Lord Sydenham, the first Governor after Lord Durham, never fully adhered to the principle of responsible government, but he practised it in one sense at least. In him there was a combination of such remarkable qualities that he found it possible at once to be Governor and Prime Minister. The Canadians who insistently pressed for responsible government had much to learn as to the method of its practical operation, and Sydenham's tutorship was of immense advantage.

Bearing in mind theories then prevailing as to the purpose and probable duration of colonial possessions, we must realize that responsible government seemed an exceedingly bold experiment. With impressive skill and commanding eloquence Lord John Russell and Lord Stanley urged the difficulty of reconciling responsible government with the Governor's responsibility to the British Government and pleaded, from their different standpoints, for the attention of an ultimate dictatorship of the Colonial office. But happily those British statesmen who were most closely in touch with the colonies were the most liberal in their opinions. Lord Grey possessed wide sympathies and was brought into intimate contact with the aspirations of overseas kinsmen. Of the others who maintained the rights of those kinsmen, Durham and Elgin had acquired through residence in Canada the first-hand knowledge and personal relationship that are so essential to reasonable understanding. Finally, Lord John Russell, recalcitrant at first, became wholehearted in support of the colonial claim. Thus, in the end, it was recognized that 'liberty according to English ideas' could not be restricted to the soil of England.

X

The Bloodless Revolution of 1848—Accomplished by creation of conventional right—Responsible Government first established in Nova Scotia, then in Canada—The seed of a commonwealth's unity—Galt and Newcastle—The Confederation Act—Constitutional progress between Confederation and the World War

SINCE 1848, constitutional development in Canada has been constant and memorable but, from that time to the present, no step compares in importance with the bloodless revolution of that year through which the people became invested with the right and power of self-government. Then was laid the foundation upon which was gradually to arise the stately structure of the British Commonwealth.

The government of the United Kingdom is based, to a remarkable extent, upon usage and convention. There is a sharp distinction between legal power and constitutional right. It was natural and indeed inevitable that, in the growth of constitutional relations between the colonies and the mother country, there should be continual resort to and reliance upon conventions 'superimposed upon the law and modifying political relations without in the least affecting legal ones'¹. The power and use of convention were never more strikingly illustrated than in the establishment of responsible government, first in Nova Scotia and afterwards in the United Province of Upper and Lower Canada. No statutory enactment or resolution of the Imperial Parliament, no royal decree or order-in-council was invoked or needed to effect this revolution².

On the 25th of January 1848 the House of Assembly of Nova Scotia voted 'No Confidence'¹ in the Executive Council. Acting upon Lord Grey's instructions (3 November 1846 and 31 March 1847), Sir John Harvey sent for James Boyle Uniacke, under whose nominal leadership, as President of the Executive Council and Attorney-General, the first strictly responsible party government in British North America was organized at Halifax (2 February 1848). Howe became Provincial Secretary and was in truth the real leader of the government.²

Upon the larger stage of the United Province of the Canadas the occasion was even more dramatic. At Montreal on the 8th of March 1848 Lord Elgin,³ upon the defeat of the Ministry, sent for the leaders of the opposition, Robert Baldwin and Louis Hippolyte La Fontaine, to whom he entrusted the task of forming an administration based upon the recognized principle of executive responsibility to the Legislative Assembly.

In the convention created by these precedents was established a perpetual constitutional right overriding legal formula and never since denied.

The occasion was significant in varied aspects. It recognized in the Canadian people their birthright of freedom and responsibility. It symbolized the co-operation of the two races in undertaking the honourable task of self-government. But there was a far wider and more impressive aspect that should never be forgotten: then was fashioned the bulwark of the Commonwealth's unity, then public until after responsible government had been established in that province. 'Had they beaten at the elections we should never have seen the dispatches at all' Howe to Charles Buller, 12 February 1848.

¹ The reading of this vote was described by Howe as 'very satisfactory to colonial Anglo-Saxons conscious of having achieved a revolution without bloodshed'.

² Prof W Ross Livingston's admirable article in *The Canadian Historical Review* (1926), vol vii, p 115, gives an interesting and useful account of the episode in Nova Scotia.

³ Before leaving England to assume his duties as Governor General he had discussed the position of responsible government with Lord Grey and was made acquainted with the tenor of his dispatch (3 November 1846) to Sir John Harvey, Lieutenant Governor of Nova Scotia.

was laid the firm foundation of its permanence, the corner stone of liberty and autonomy; then began the system of governance that still holds together its world-wide self-governing nations.

Eleven years afterwards the Colonial Secretary (the Duke of Newcastle) transmitted to the Governor-General for the consideration of the Canadian Ministry a protest from the Sheffield Chamber of Commerce against protective duties imposed by Canadian statute. Apparently the Duke had seriously entertained a proposal to disallow this Act; and, in his dispatch, he undertook to lecture the Canadian Government and, incidentally, the Canadian Legislature, upon the unwisdom of the fiscal policy. The reply to this dispatch enclosed a report of the Minister of Finance, Sir A. T. Galt, concurred in by the Cabinet. Courteously but very firmly, the Canadian Ministry denied responsibility except to the Provincial Parliament alone 'by whose confidence they administered the affairs of the country'. The report constitutes a landmark in constitutional history. Its most famous sentence affirmed a position that remained unchallenged.

Self-government would be utterly annihilated if the views of the Imperial Government were to be preferred to those of the people of Canada. It is therefore the duty of the present Government distinctly to affirm the right of the Canadian Legislature to adjust the taxation of the people in the way they deem best, even if it should unfortunately happen to meet the disapproval of the Imperial Ministry. Her Majesty cannot be advised to disallow such acts, unless her advisers are prepared to assume the administration of the affairs of the Colony irrespective of the views of the inhabitants.

The two pioneer races moved forward with equal step in gaining control of their country's domestic affairs. In Canada the French race has perhaps comprehended more fully than in France the spirit, method and conventions of parliamentary government. The effect and operation of parliamentary institutions differ widely in different countries; the form does not always carry the substance; it is the spirit that giveth life. It is notable that the French

Canadians based their effort to attain responsible government upon the same practical method that gradually vested in the English House of Commons control of an executive to whom was transferred the authority of the Crown. In each case the weapon employed was the principle that redress of grievances must precede the voting of supply.

As we have seen, the conviction that Canada's ultimate destiny was separation from the Empire arose in the Colonial Office near the close of the eighteenth century. Each succeeding step in the development of constitutional relations seemed to strengthen that impression. It gained force when the colonies became autonomous three quarters of a century ago, and in the early sixties there was hardly a British statesman of the first rank who did not believe in eventual separation. The inspiration of Burke's pregnant words had not moved them.

To accomplish the federation of the four original provinces, to provide for the admission of other provinces and of vast additional territories since acquired, and, for the purpose of federal union, to define the limitations of dominion and provincial jurisdiction, the British North America Act (1867) was necessary. The Colonial Secretary, Lord Carnarvon, introduced the measure in an eloquent speech that evidenced a broad outlook. For twenty years the Canadian provinces had been practising the art of self-government and during that period their control over domestic affairs had steadily gained ground. It was fortunate that in the British North America Act no attempt was made to define constitutional relations between Great Britain and Canada, which were thus left free to develop by methods and conventions such as had created the system of governance obtaining in the United Kingdom.

The political instinct of the race is practical rather than logical, and one observes an invariable tendency to avoid change until its necessity is manifest. But in a rapidly developing dominion it was to be anticipated that there would be a steady advance towards complete authority and jurisdiction over all matters of domestic concern.

Naturally and inevitably the initiative came from Canadians and during the first half century of Confederation Galt, Macdonald, Blake, Tupper, Thompson, and Laurier pressed steadily forward to the goal of complete autonomy.

It is unnecessary to dwell in detail on the development, notable both in character and in extent, during the half-century which elapsed between Confederation and the world war. Ten years after Confederation (1877), the Minister of Justice (Edward Blake) preserved the Colonial Office from a blunder of the most pronounced type:¹

Another period of ten years (1887) saw the holding of the first Colonial Conference, mainly called for the purpose of suggesting a method by which the colonies should in some respect participate in Empire defence.

In 1897 began the series of periodical Colonial Conferences which at first were regarded as conferences between the Colonial office and subordinate governments attached to that office. In another ten years (1907) the Colonial Conference developed into the Imperial Conference between the British Government and the Governments of Dominions holding in some measure an equal status.

Constitutional advance from 1867 to 1914 may be thus summed up. In the first instance the Governor General exercised no inconsiderable influence over certain public affairs, at the close his functions in that character had practically ceased. Appointed with the consent of the Canadian Government, he became in effect a nominated president, invested with practically the same powers and duties in Canada as those appertaining to the King in the British Isles. Colonial Conferences became Imperial Conferences between governments meeting on a basis of equality. The application of commercial treaties to the Dominions became dependent upon their own determina-

¹ They proposed to issue to the Governor General permanent instructions in such form as would imply reversion to the crown colony conception. Blake had them so modified that the Governor General must act in respect of practically all matters upon the advice of his constitutional ministers.

tion, and their right of separate withdrawal from general treaties of commerce was secured. In 1912, and again in 1914, the Dominions were represented at International Conferences by their own delegates acting under instructions from their own Governments. At first no Canadian Commissioner could take part in the negotiation of a treaty affecting his country; in the end Canada freely negotiated her own commercial treaties by her own Commissioners without control or interference, except of a formal character, or for the purpose of conserving Imperial interests. Naturalization granted in Canada became effective in the United Kingdom. Notwithstanding unfortunate and formidable forces of reaction, the right of the Dominion to full control of its Copyright Laws was acknowledged. Legal power became overborne by constitutional right and the power to disallow Canadian Statutes ceased to be exercised. Canada's right to a voice in foreign policy involving her interests began to be recognized; her complete control over her policy in respect of military and naval defence was acknowledged. By such steps Canada gradually but surely had advanced to the portal of her nationhood.¹

¹ See p. 112.

1902 it was declared by a Resolution of the Colonial Conference that, so far as might be consistent with the confidential negotiation of treaties with Foreign Powers, the views of the Colonies affected should be obtained in order that they might be in a better position to give adhesion. The Foreign Office and Board of Trade concurred upon the assumption that such treaties related to commerce and navigation, or matters of rather minor importance, such as the estates of deceased persons. 'His Majesty's Government had taken note of the Resolution and would gladly give effect to it as far as was found practicable.' In other words, the Dominions, asking to be heard in advance before they were committed to treaties with Foreign Powers, were informed that, on such subjects as conventions in regard to the property of deceased persons, the British Government would be glad to listen as far as they could. This announcement was characteristically departmental in its tone and outlook. With the quick march of events there came a sudden awakening in official dream-land.

XI

The World War—A new conception of constitutional relations—The Imperial War Cabinet and Imperial War Conference—Dominions recognized as Autonomous Nations—Entitled to adequate voice in Foreign Policy and Foreign Relations—Representation of Dominions at Paris Peace Conference—Strong opposition eventually overcome—The right of legation—Appointment of Dominion Minister at Washington.

WHEN the thunderbolt of war fell upon the world in 1914, the unity of the Commonwealth was unmoved by the shock. In April 1915 a Canadian officer, then a prisoner in Germany, was asked by his captors this pregnant question: ‘What did England promise you Canadians, what induced you to fight for her?’ The Germans did not understand. Even if they had comprehended they would not have believed. In truth Canadians were not moved by Englishmen’s expressions of gratitude for aid in the war. The Commonwealth was in danger; the struggle was for freedom and public right. We were a free nation of the Commonwealth and therefore we fought.

With the entrance of the Dominions into the war a new conception of constitutional relations speedily arose. In 1911 the Prime Ministers of the overseas nations had been summoned to a meeting of the Imperial Defence Committee and had been admitted to the ‘Arcana Imperii’, as Mr. Asquith expressed it; in other words, the Foreign Secretary had given them an exposition of the Commonwealth’s international relations as they were then understood in the Foreign Office. After the formation of a new administration in Canada, the Prime Minister and three of his colleagues attended a meeting of the same Committee (1912) for the like purpose. As Prime Minister of Canada, I was summoned to a meeting of the British Cabinet in 1915. This incident, quite without precedent in the Empire’s history, was regarded as significant by constitutional authorities. But in 1917 a more notable advance was made. In the flexibility of the British constitution

Imperial concern, and for such necessary concerted action, founded on consultation, as the several Governments may determine.¹

We were over-confident in proposing a Constitutional Convention immediately after the war, as no such Convention could be summoned to advantage until after the subject had been considered and debated much more exhaustively than has hitherto been practicable. In the meantime there has been distinctive and useful progress in working out the methods by which the principles of this resolution may be carried into effect. To this, more extended allusion will be made in a later chapter.

On the 13th of June 1918² I felt it my duty to make a statement of a very grave nature in the Imperial War Cabinet respecting recent events on the western front. There ensued an important discussion in consequence of which the Imperial War Cabinet constituted a sub-committee consisting of the British Prime Minister and the Prime Ministers of the Dominions, General Smuts representing General Botha. To this committee was confided the duty of obtaining all available information from military and naval experts and of reporting upon the following matters: what further effort by the British Empire was needed and was available to bring the war to a victorious conclusion, in what theatre would success be most probable and at what time. Reports were received from commanders on the various fronts; General Lord Cavan came from Italy; Sir Henry Wilson, Chief of the General Staff, made several visits to France and presented to the committee both orally and in an elaborate memorandum his conclu-

the war could be brought to a successful conclusion during that year. Apparently the intelligence departments of the allied powers had not learned that, during the summer, the strong spirit of the German people had reached the limit of its endurance. The morale of an army must depend, in great measure, upon that of the people by whom it is sustained.

In 1917 and 1918 sub-committees of the Imperial War Cabinet had considered the conditions upon which peace would be made in case the war should be won. There had also been announcements in various Parliaments that the Dominions would be consulted as to the terms of peace.

inspired it with the consciousness of sacrifice and achievement for a high purpose. It was not even imagined that Canada, having been among the foremost on the battle-field, would be excluded from the Peace Conference. The feeling that her delegates should be there present was, perhaps, more intense among her people than any other emotion except thankfulness for the conclusion of hostilities.

A little more than a year ago in his lectures at Columbia University, Professor Alfred Zimmern spoke of consternation in the Foreign Office, where he was then serving, when it was reported that Canada insisted upon being represented at the Paris Conference, and was even taking an interest in the League of Nations. To a great Department, whose traditional dominance in all policy affecting external relations had been uninterrupted for centuries, this may have seemed an astonishing proposal. If, however, there was consternation at first, it quickly subsided. In the high officials of the Foreign Office and especially Lord Hardinge of Penshurst, Sir Eyre Crowe and Sir Cecil Hurst, with whom I was chiefly brought into contact and co-operation at Paris, I encountered not only a cordial and considerate attitude but a thorough appreciation of the immense constitutional changes that had been brought about since 1914.

The path upon which the Dominions advanced to complete representation at the Peace Conference was at times rough and thorny. Progress could only be achieved by unfaltering persistence and unceasing effort. It affords me the highest satisfaction to declare that in our advance along that path the Dominion Ministers received from the British Prime Minister and his colleagues complete sympathy and unwavering support from first to last.

It is not at all surprising that difficulties arose, for the status of the British Dominions was not fully realized by foreign nations, and in the kindred Commonwealth of the United States there was among the people, as a whole, equal incomprehension. Seeing that even in the British Islands the new status of the Dominions then was, and

perhaps still is, imperfectly understood, and having regard to the conventional structure and the singular anomalies of our Empire organization, we need not feel surprised that its constitutional relations proved rather perplexing to the statesmen of other nations.¹

From early in November until the end of the year discussion went on in the Imperial War Cabinet upon the question of representation, which was strongly urged by my colleagues in Ottawa, with whom I was in constant communication. On the last day of the year a proposal submitted by me on behalf of Canada was finally adopted by the Imperial War Cabinet. Under this proposal each Dominion was to have the same representation as the smaller allied nations and, in addition, representatives of the British Empire were to be drawn from a panel on which each Dominion Prime Minister would have a place. The representation of India was to be on the same basis.

The British Empire Delegation proceeded to Paris on January 11th and on the 12th there was a meeting of the Prime Ministers and Foreign Ministers of the four Great Powers, the United States being represented by President Wilson and the Secretary of State. At this meeting the proposal which had been accepted by the Imperial War Cabinet encountered strong opposition in at least one quarter. Each of the Great Powers was to be represented by five delegates and the prospect of ten additional delegates from the British Empire was both unexpected and startling. However, the opposition was on the whole considerate, and it was proposed that each Dominion and India should have one representative, whereas each of the smaller allied nations, many of whom had taken no active part in the war, was to be entitled to two delegates. On Sunday, the 12th, this proposal was reported to the British Empire Delegation and was strongly opposed. Canada especially insisted that the original proposal should be adopted in its entirety. The subject was taken up again

¹ There was intense surprise at Geneva, with many echoes abroad, when Canadian Delegates put forward views quite opposed to those of the British Delegates in the first Assembly of the League of Nations.

by the representatives of the Great Powers and eventually their first reaction was materially modified Canada, Australia, South Africa, and India became each entitled to two delegates and New Zealand to one In numbers at least the representation of the British Empire was sufficiently impressive¹

The discussion which resulted in securing to Canada the right of legation did not take place until the Paris Peace Conference which will be the subject of the next chapter, but it may appropriately be considered in its relation to the constitutional evolution described in this. The subject had been debated in the Canadian Parliament as early as 1882. In 1892 Sir Wilfrid Laurier had favoured the proposal and had expressed the view that it was merely a stage in the natural evolution towards complete citizenship. At the beginning of 1918 I had found it necessary to establish a Canadian War Mission at Washington which in effect although not in form was a diplomatic mission. Its usefulness had been clearly demonstrated for more than a year. During the Paris Conference I had the opportunity of discussing the question intimately and thoroughly with Mr Lloyd George and Mr Balfour. Eventually an understanding was reached which was announced in the Canadian Parliament on the 10th of May 1920. In the meantime the proposal had been submitted to the Government of the United States and had received their cordial assent. The announcement (appended) made public an arrangement between the British and Canadian Governments to provide more complete representation of Canadian interests at Washington. His Majesty, on the advice of his Canadian Ministers, would appoint a Minister Plenipotentiary who would have charge of Canadian affairs and would be at all times the ordinary channel of communication with the United States Government in matters of purely Canadian concern, acting upon instructions from, and reporting direct to, the Canadian Government. In the absence of the Ambassador, the

¹ The fact that the Oversea Nations had put into the fighting line larger forces than any but the principal powers probably decided the question.

Canadian Minister would take charge of the Embassy and of the representation of Imperial as well as Canadian interests. He would be accredited by His Majesty to the President with the necessary powers for the purpose. This new arrangement would not denote any departure either on the part of the British Government or of the Canadian Government from the principle of the diplomatic unity of the British Empire.

At Washington, Canadian affairs occupied a very important place in matters requiring the attention of the British Embassy. The service of the Canadian Mission had made it clear that Canadian questions would benefit from the presence of a Canadian Minister especially familiar with the needs and conditions of his country. Canada's advance in constitutional status during the war and at the Peace Conference gave sufficient warrant for carrying into effect a proposal that had been under consideration for many years. In the negotiation of treaties with the United States, Canadian ministers from time to time during a considerable period had held a diplomatic status, from which much advantage and no detriment had resulted. The temporary character of this status did not affect the soundness of the principle upon which it was based. Another illustration could be found in the Canadian section of the International Joint Commission which is appointed on the recommendation of the Canadian Government, and which for the past fifteen years has dealt with many questions formerly the subject of diplomatic action.

An ambassador or minister is merely an agent employed in international affairs. There is a practical business necessity that the Canadian Government, whose departmental officers are continually called to Washington on a variety of technical and political subjects, should have the advantage of a permanent officer on the spot to ensure continuity and effective negotiation, to keep Ottawa informed of events and tendencies at Washington, and to prevent, by timely discussion, the development of unnecessary issues. After the Canadian War Mission had

been discontinued, its Secretary remained at Washington and kept closely in touch with the Department of External Affairs. Eventually he was designated as Agent of that Department and his service was most useful.

More than seven years elapsed before the arrangement, made public in 1920, was carried into effect¹. In November 1927 the appointment of a Canadian Minister at Washington was announced, but the proposal that he should take charge of the Embassy in the absence of the Ambassador was withdrawn. Reasons assigned for this modification are not convincing. At Paris (1919) as Canadian Prime Minister, and at Washington (1921-2) as Canadian Delegate, I did not refuse the duty of presiding on occasion over a British Empire Delegation engaged in the determination of extremely important questions. It does not appear that any detriment ever arose or could have arisen therefrom. The recession from a like responsibility does not denote an advance in status. Means of instant communication, always available under modern conditions, have lessened the initiative and, to some extent, the status of an ambassador or a minister, since he is always under immediate instruction from his Government, and the responsibility is theirs.²

¹ Early in July 1920 I retired from the Premiership.

² As the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise is that of the Dominion of Canada, it was entitled to appoint, and did appoint (1924), a Minister at Washington, whose relations with the British Ambassador have been of the most cordial character. The Government of the United States has appointed (1927) a Minister at Ottawa and a Minister at Dublin.

relation to the disposition of the German colonies captured during the war; upon this question the delegates of the interested Dominions were heard at great length and they participated fully in the discussion which eventually resulted in a proposal that commanded their assent.

At Paris the body designated as the British Empire Delegation consisted of five delegates from the United Kingdom, seven delegates from the Dominions, and two delegates from India, including the Native States. It was in effect, although not in name, the Imperial War Cabinet transplanted to Paris. Throughout the Conference the British Empire Delegation met almost daily. It received regular reports of the proceedings and decisions of the Council of Four, the Council of Five, and various Commissions upon whose conclusions the terms of the Peace Treaty were eventually founded. In this way the delegates of the British Dominions were regularly and intimately informed as to the progress of negotiations and the trend of events. Not infrequently Mr. Lloyd George called a meeting of the British Empire Delegation for consideration of a difficult question and for instructions as to the course he should pursue. Towards the end of the Conference the incessant engagements of both Mr. Lloyd George and Mr. Balfour (now Lord Balfour) in the Council of Four and the Council of Five prevented them from attending the meetings of the British Empire Delegation, and during this period, as Prime Minister of the senior Dominion, I was called upon to preside. On several occasions, also, I took Mr. Balfour's place on the Council of Five.

Upon many of the numerous Commissions established by the Conference to consider and report upon special aspects of the conditions of peace the Dominions were fully represented, and in several cases a Dominion delegate was elected to the vice-presidency of the Commission to which he had been appointed.

As the work of the Conference proceeded it became necessary to consider the most appropriate method of securing to the Dominions in the

Treaty, in the authority of its signature, and in the manner of its ratification the status won in their distinctive representation at the Conference. In political treaties it had been the practice to insert an article or reservation which enabled a Dominion to adhere after signature and ratification by the Government of the United Kingdom. This method was obviously inappropriate in view of the position secured and the part played by Dominion delegates at the Conference. On the 12th of March 1919 I called the Dominion delegates into informal conference and submitted to them the proposal that in each treaty the participation of the Dominions should be signified by the signature of Dominion plenipotentiaries, and that the preamble and other formal parts of the treaties should be drafted accordingly. My proposal was unanimously adopted in the form of a memorandum (appended) which was circulated to the British Empire Delegation, and was accepted in principle both by the Delegation and by the Conference.

This memorandum set forth the conclusion of the Dominion Prime Ministers that all treaties and conventions resulting from the Peace Conference should be so drafted as to enable the Dominions to become parties and signatories thereto. Such procedure was declared to be in consonance with the constitutional relations then obtaining in the Empire. 'The Crown is the supreme executive in the United Kingdom and in all the Dominions, but it acts on the advice of different Ministries within different constitutional units, and under Resolution IX of the Imperial War Conference, 1917, the organization of the Empire is to be based upon equality of nationhood.' After setting forth the further considerations upon which the conclusion of the Dominion Prime Ministers was based, the memorandum proposed that the recital in the preamble should include the names of the Dominion plenipotentiaries immediately after the names of those appointed by the United Kingdom. Under the general heading, 'The British Empire,' the sub-headings 'The United Kingdom,' 'The Dominion of Canada,' 'The Commonwealth of Australia,' 'The Union of South Africa,' &c.,

should be used to distinguish the various plenipotentiaries who would sign according to this scheme.

The proposal embodied in this memorandum was accepted in principle both by the British Empire Delegation and by the Conference. In its exact terms it must have appeared too radical and perhaps perilous. Thus it was so modified that the five plenipotentiaries appointed by the British Government signed on behalf of 'the United Kingdom of Great Britain and Ireland and the British Dominions beyond the Seas'. In avoiding an apprehended peril the draftsmen succeeded in creating a curious anomaly. Each Dominion enjoyed the doubtful advantage of a general and a special designation as well as a double signature. The British plenipotentiaries affixed their signatures on behalf of the entire Empire, including the Dominions; the Oversea plenipotentiaries signed for the same Dominions.¹

So much for the form of the treaties and the method of signature. But it was necessary to go further. The Dominions had been classed among the belligerent powers with special interests and had occupied that status at the Conference. Their delegates took the ground that the Dominions should be similarly accepted in the new international relationship contemplated by the Covenant of the League of Nations. Acceptance of this claim involved their right to membership in the League. The Commission which prepared and reported the form of the Covenant was pressed to accept this position and appeared to do so in principle. But the first draft of the Covenant, which did not illustrate the highest excellence of the draftsman's art, was obscure as to the character of Dominion representation. The claim of the Dominions was pressed and in its final form, as amended and incorporated in the Treaty of Peace with Germany, the status of the Dominions as to membership and representation in the Assembly and the Council was recognized as being in every respect equal to that of other members of the League.

¹ This anomaly was taken into account and corrected at the recent Imperial Conference (1926).

While no Dominion became a permanent member of the Council, it was declared by an authoritative declaration (appended) that upon the true construction of the first and second paragraphs of Article 4 of the Covenant, representatives of the self-governing Dominions of the British Empire might be selected or named as members of the Council.

A somewhat stiffer fight took place with regard to the constitution of the International Labour Organization which provided for a governing body corresponding to the Council of the League. The draft Convention presented by the Commission on International Labour Legislation definitely excluded the Dominions from its Governing Body. As Prime Minister of Canada it became my duty to occupy myself actively in the matter, and when the draft Convention came before the Plenary Conference I moved an amendment in the following terms:

'The Conference authorizes the Drafting Committee to make such amendments as may be necessary to have the Convention conform to the Covenant of the League of Nations in the character of its membership and in the method of adherence.'

Any other result would have been absurd and the amendment was carried. However, the Drafting Committee still proved obdurate and I was obliged to carry the question to the Council of Four and press it with the most resolute insistence. In the result the Drafting Committee was peremptorily instructed to eliminate the objectionable clause and did so. When the governing body was first organized at the International Labour Conference of Washington (1919) Canada was elected a member and has remained so ever since. At present she occupies that position by virtue of recognition as one of the eight most important industrial countries of the world.

The Oversea delegates, who claimed for their Dominions distinctive representation at the Conference and a distinctive status in the family of nations under the organization of the Peace Covenant and the Labour Convention, were profoundly attached to the British Empire. They were proud of its traditions and equally proud that

their countries had a place in its councils. It was the national spirit of their peoples that found expression in their demand for the recognition which they secured. Among the members of the British Empire Delegation there was none with truer vision or more profound insight than Louis Botha. From our first meeting in November 1918 I was impressed with his commanding qualities. I have already made public, but I venture to repeat, his words to me in March 1919:

I fought against the British, but I am a firm upholder of the Commonwealth. In South Africa we enjoy all the liberty that we could have as an independent nation, and far greater security against external aggression; we have complete powers of self-government; we control the development of our country; and in the affairs of the world we take a place far higher and render a service more notable and useful than we could attain or give as a separate nation.¹

It was natural that Canada, as the senior Dominion, should take the initiative in securing recognition of advanced constitutional status. This was invariably the case throughout the Conference, but proposals put forward by Canada for this purpose always secured the approval and support of the other Dominions. General Botha and General Smuts were especially sympathetic in this and other respects.²

¹ To the same effect was Mr. Lloyd George's reply in the following June to the Independence Delegation of the National Party of South Africa which he received at Paris on the 5th of June 1919 'Finally I would point to the status which South Africa now occupies in the world. It is surely no mean one. The South African people control their own national destiny in the fullest sense. In the greatest Conference in history, South Africa is represented by two statesmen of indubitably Dutch origin who have won for South Africa an extraordinary influence in the affairs of the world. It is futile to believe that South Africa can ever return to that isolation which was possible a century ago. The world has become too knit together. In the future League of Nations South Africa will have the same membership and status as, and far more influence than, any of the other States which are outside the ranks of the few Great Powers.' London *Times*, 11 June 1919.

² When I was obliged to return to Canada, after a sojourn of four months at the Conference, General Botha reminded me that from first to

Immediately after the Armistice there arose throughout the British Empire, and probably in the allied countries, an intense feeling that the Central Nations must bear the entire cost of the war, and that the ex-Kaiser of Germany must be brought to trial and punishment. When the British Empire Delegation proceeded to Paris on January 12th a determination had been reached that such trial should take place. In the Versailles Treaty (Article 227) the Allied and Associated Powers publicly arraigned William II for a supreme offence against international morality and the sanctity of treaties. They declared that he should be tried by a special tribunal to be composed of five judges, 'one appointed by each of the following Powers viz the United States of America, Great Britain, France, Italy, and Japan'. The Article sets forth the motives by which the tribunal should be guided, and assigns to it the duty of imposing punishment. Then follows a declaration that a request would be addressed to the Government of the Netherlands for the surrender of the ex-Kaiser. Such a request was preferred, but the Government of the Netherlands certainly earned the gratitude of the Allied Governments by its refusal to comply with their demand. If the trial was to be entirely judicial in character, it was apparent that the tribunal ought to be constituted of judges appointed from neutral nations. Otherwise, in the event of condemnation, there would arise in Germany universal sympathy with the prisoner and a general belief that the tribunal had been packed. Indeed, if the ex-Kaiser possessed reasonable foresight he must have experienced sincere regret that the attempt to punish him was not proceeded with, since eventually it would have placed him before the German people as a martyr to malignant persecution and might have resulted in the restoration of his dynasty.

But from the first the proposal was pervaded with an air of unreality. The ex-Kaiser had possessed no such control last, in all controversial questions debated in the British Empire Delegation. Canada and South Africa had invariably been in perfect or substantial agreement.

of conditions and tendencies in Germany as would have justified his condemnation; moreover, the forces and influences that precipitated war in 1914 were so deep-seated and of such baffling complexity as to defy analysis or estimate at that time. In short, it is not unfair to regard Article 227 as somewhat theatrical.

On the 23rd of January I was asked to accept the position of Chief British Delegate at a conference to be arranged with delegates of all the Russian Governments and to begin at Prinkipo Island in the Sea of Marmora on February 15th. Lord Robert Cecil (now Lord Cecil of Chelwood) was to be the other British delegate. Invitations were sent out and apparently the Bolshevik chiefs were disposed to attend the conference, but the other Russian Governments declined, and absolutely refused to recognize by any intercourse whatever the Soviet Government that eventually devoured them. Thus the proposal for a conference proved entirely abortive and conditions went from bad to worse in Russia. Before leaving Paris at the middle of May, I discussed this situation with General Botha and General Smuts. At that time more than six months had elapsed since the Armistice and the Peace Conference had been in session for more than four months. On not less than eighteen battle-fronts in Europe and in Asia war was still being waged. During the winter I had felt increasing apprehension that chaotic conditions in Germany, uncertainty as to the terms of the Peace Treaty, the prospect of a crushing burden of reparations and the rising tide of Bolshevism around Germany, would have evil results. The people of the allied and associated nations were war weary, as were the allied armies. Bolshevism, controlling a hundred and fifty millions in the Russian Empire, allied to the organizing genius of the German nation, would have created a condition fraught with indescribable peril to the allied nations, but in the end probably destructive to Germany herself. The German people might conceivably prefer to accept partnership and co-operation with Bolshevism rather than to endure prostration and ruin threatened by the rumoured severities

of the peace terms. It is a high tribute to the fortitude and steadfastness of the German race that they preferred to face oppressive conditions of peace rather than to admit Bolshevism. Instinct, temperament, and tradition alike led them to reject the extravagance of its theories and the barbarity of its practice.

It may well be doubted whether the methods of the Conference were of the wisest. One can appreciate the reasons why the Germans were not admitted to the Conference in the first instance. Public opinion in the allied and associated nations was in a highly excited condition; there was a fear, perhaps well grounded, that German intrigue would create jealousies and arouse antagonisms among those nations. The admission of Germany would have awakened vehement outcry and, if any of the allied Governments had been overthrown, the resultant confusion would have further delayed the consummation of peace. The Conference was confronted with an almost impossible task. But if it had been possible to admit the enemy nations to the Conference under well-considered conditions, unfortunate results might have been avoided. At Vilette and afterwards at Versailles, there was discussion with a German Finance Commission, but its scope does not appear to have been very comprehensive nor its results especially useful. Quick decision as to the principles upon which the peace should be made,¹ effective discussion of those principles in full committee, but not in public, the delegation of reparation and territorial adjustments to commissions upon which the Central Powers would be represented—such a method would have produced a Treaty of Peace embodying more reasonable terms and requiring less amendment. Throughout the Conference the attitude of the British Empire strongly supported moderation in the conditions of peace. After the Treaty had been presented to the Germans and when their reply was under considera-

¹ Under the conditions delay was of course inevitable, but I was convinced that it was excessive for lack of systematic organization and by reason of the very discursive activities of the various councils, who frequently occupied themselves with affairs of an executive character.

of world peace and would probably have secured the adhesion of the American Commonwealth

President Wilson's soul was possessed with an intense earnestness to establish the League of Nations, which he regarded as incomparably the chief purpose of the Conference, and with which his name will be permanently associated. He stood pre-eminent in his splendid idealism for which the world must ever hold him in grateful memory. In method he was limited by the defects of his qualities, illustrated both at the Conference and afterwards in his conflict with the Senate.

In the aftermath of the Peace Conference there lies the shadow of one deplorable failure. The nation that before the war was most truly moved by the ideal of peaceful arbitrament, and within whose borders numerous and influential associations had been established for consummating that purpose, remains almost wholly outside the concert of nations that strives to fulfil a world mission at Geneva.

APPENDIX I

Memorandum circulated by Sir Robert Borden on behalf of the Dominion Prime Ministers

1 The Dominion Prime Ministers, after careful consideration, have reached the conclusion that all the treaties and conventions resulting from the Peace Conference should be so drafted as to enable the Dominions to become Parties and Signatories thereto. This procedure will give suitable recognition to the part played at the Peace Table by the British Commonwealth as a whole and will at the same time record the status attained thereby by the Dominions.

2 The procedure is in consonance with the principles of constitutional government that obtain throughout the Empire. The Crown is the supreme executive in the United Kingdom and in all the Dominions, but it acts on the advice of different Ministries within different constitutional units, and under Resolution IX of the Imperial War Conference, 1917, the organization of the Empire is to be based upon equality of nationhood.

3 Having regard to the high objects of the Peace Conference, it is also desirable that the settlements reached should be presented

at once to the world in the character of universally accepted agreements so far as this is consistent with the constitution of each State represented. This object would not be achieved if the practice heretofore followed of merely inserting in the body of the convention an express reservation providing for the adhesion of the Dominions were adopted in these treaties; and the Dominions would not wish to give even the appearance of weakening this character of the peace.

4. On the constitutional point, it is assumed that each treaty or convention will include clauses providing for ratification similar to those in the Hague Convention of 1907. Such clauses will, under the procedure proposed, have the effect of reserving to the Dominion Governments and legislatures the same power of review as is provided in the case of other contracting parties.

5. It is conceived that this proposal can be carried out with but slight alterations of previous treaty forms. Thus:

(a) The usual recital of Heads of State in the Preamble needs no alteration whatever, since the Dominions are adequately included in the present formal description of the King, namely, 'His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India'.

(b) The recital in the Preamble of the names of the Plenipotentiaries appointed by the High Contracting parties for the purpose of concluding the treaty would include the names of the Dominion Plenipotentiaries immediately after the names of the Plenipotentiaries appointed by the United Kingdom. Under the general heading 'The British Empire', the sub-headings 'The United Kingdom', 'The Dominion of Canada,' 'The Commonwealth of Australia,' 'The Union of South Africa,' etc. would be used as headings to distinguish the various Plenipotentiaries.

(c) It would then follow that the Dominion Plenipotentiaries would sign according to the same scheme.

6. The Dominion Prime Ministers consider, therefore, that it should be made an instruction to the British member of the Drafting Commission of the Peace Conference that all treaties should be drawn according to the above proposal.

Hôtel la' Perouse, Paris,
12th March 1919.

APPENDIX II

Declaration respecting interpretation of Article 4 of League of Nations Covenant signed by M. Clemenceau, President Wilson, and Mr. Lloyd George, 6 May 1919

The question having been raised as to the meaning of Article IV of the League of Nations Covenant, we have been requested by Sir Robert Borden to state whether we concur in his view, that upon the true construction of the first and second paragraphs of that Article, representatives of the self-governing Dominions of the British Empire may be selected or named as members of the Council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt it would be entirely removed by the fact that the Articles of the Covenant are not subject to a narrow or technical construction.

Dated at the Quai d'Orsay, Paris, the sixth day of May, 1919

(Signed) G CLEMENCEAU
WOODROW WILSON
D LLOYD GEORGE

XIII

The Washington Conference—Lack of special invitations to Dominions had no unfortunate result—Their distinctive status fully recognized—American proposals for reduction of armaments—Resolution respecting submarines—The Anglo-Japanese Treaty—The Shantung Peninsula—Agreement between China and Japan—Attitude of Conference towards Chinese proposals—Land disarmament—The spirit of the conference and its results.

IN the autumn of 1921, more than a year after I had retired from the premiership of Canada, I was invited by my successor, Mr. Meighen, to undertake the duties of Canadian delegate at the Washington Disarmament Conference. It had been anticipated that invitations would come to each Dominion, but the United States Government contented itself with sending an invitation to the Government of the United Kingdom. The United States had failed to adhere to the League of Nations in which each of the Dominions was a recognized political entity; but there was precedent for separate invitations and the Government of South Africa took strong objection to the omission. There was a question as to whether the Dominions should attend the Conference and my advice was asked by the Canadian Prime Minister. Without hesitation I expressed the opinion that the Dominions should overlook the omission; the purpose of the Conference was of supreme international concern, and it would be both unwise and unfortunate for any Dominion to withhold its co-operation. I ventured also to predict that at Washington the same procedure as at Paris would eventually prevail; that the Dominion delegates would be recognized as representatives of distinctive international entities; and that the treaties would be signed on behalf of each Dominion under full powers issued by the Crown upon the advice of the respective Dominion Governments. This result obtained in the fullest sense, and there was no practical difference between the procedure at Paris and that at Washington. South Africa at first declined to

name a delegate but eventually appointed Mr. (now Lord) Balfour.¹

The Conference had its genesis in a wave of sentiment for disarmament that swept over the United States in 1921. During the same year there had been a discussion of the first importance in the Imperial Conference respecting the renewal of the Treaty with Japan. This discussion had doubtless led to negotiations and conversations between the British and the United States governments.

For discussion of the limitation of armaments the Governments of Great Britain, France, Italy, and Japan were invited to take part in the Conference. It was also to include consideration of Pacific and Far Eastern questions in the discussion of which China, Belgium, the Netherlands, and Portugal were invited to participate.

For the purpose of effective organization the Conference at its first Plenary Session established two Committees on programme and procedure in respect of its two main branches, that is (1) Limitation of Armament, and (2) Pacific and Far Eastern questions. As a result of their deliberations two main committees of the Conference were accordingly constituted as follows:

- (1) The Committee on Limitation of Armament, consisting of all the Plenipotentiary Delegates of the Five Powers—the United States, the British Empire, France, Italy, and Japan
- (2) The Committee on Pacific and Far Eastern questions, consisting of all the Plenipotentiary Delegates of the Nine Powers—the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal

This procedure was not unlike the parliamentary device of the Committee of the Whole House. When necessary or convenient any question of importance was remitted to the consideration of a sub-committee whose duty it was to examine the subject in detail and to report a resolution to the main Committee. In addition to this there was of course much informal conversation and discussion which

¹ He signed each of the treaties as British Delegate and as South African Delegate he again affixed his signature

yielded fruitful results. Great advantage also ensued from the discussion in each Full Committee of the decisions reported by the Sub-Committees. These debates supplied a means of general interchange of view and argument which was entirely lacking at the Paris Conference.

At Washington the British Empire Delegation functioned precisely as at the Paris Conference. Every important question was taken up and fully discussed in the Delegation; not infrequently there was strong difference of opinion, but in every instance a unanimous decision was eventually reached and a formula devised which expressed the united opinion of the entire Delegation.

The method of appointment of the Dominion délégués, their standing in the British Empire Delegation, the issuance of full powers, the form of the treaties, their signature and their ratification by the Dominions, followed the practice which had obtained at the Paris Conference. In the immediate practical aspect the lack of special invitations to the Dominions had no unfortunate result at Washington.¹

In the internal arrangements of the British Empire Delegation at Washington the intention and result reconciled the principle of diplomatic unity in the Empire's international relations with the principle of co-ordinate autonomy for each self-governing nation. All the Dominion delegates took part in the meetings of the two main Committees of the Conference and in the Plenary Sessions. On the Sub-Committees, whose personnel was always limited to one from each Power, a Dominion delegate in several instances represented the British Empire. There were frequent meetings of the Delegation at which views were exchanged, the problems of the Conference

¹ "La nouvelle situation "nationale" des Dominions était reconnue par le fait même qu'ils avaient des représentants particuliers à la Société des Nations; et leur adhésion se trouvait ainsi acquise d'autant plus sûrement qu'ils n'avaient aucune garantie que cette situation serait reconnue ailleurs. En fait on refusa de la reconnaître à la Conference de Washington"—

L'Esprit International, April 1927, p. 189. This statement is inaccurate in so far as it does not accord with the description I have given of Dominion status at the Washington Conference.

discussed as they arose, and suitable conclusions reached. In fact the arrangements were a reproduction of the practice followed at Paris.

Not only the formal aspects of the treaties, but the actual participation of the Dominions in the work of the Conference, recognized both the principle of unity and that of co-ordinate autonomy. Without means whereby in advance of action the views of all could be fully and frankly exchanged and considered in common, this would have been impossible. The means was provided by the organization of the Delegation. It is clear that with goodwill and a desire for co-operation, agreement and unity may be anticipated at any such conference under no compulsion other than that imposed by the reasonable purpose of free and equal peoples to maintain a single allegiance and to recognize their international responsibilities.

On November 12th the first Plenary Session of the Conference was convened in the Memorial Continental Hall. Among the assembled delegates of nine nations there were many distinguished figures. Members of Congress thronged to witness the opening. Eminent journalists representing the Press of every continent were present. The Conference included only nine nations but the whole world had gathered in spirit to hear the message of the United States Government.

After the audience had listened to the President's greeting of goodwill and welcome, Mr Hughes, the American Secretary of State, rose to reveal proposals that were to surprise and even startle not only the immediate audience but the statesmen of every country. Through its immense wealth and resources the United States could easily have defied competition in the development and increase of naval armament. With our deep regret that this great Commonwealth is not represented in the Council of the Nations at Geneva, there must always be associated a tribute to the spirit that evoked the proposals placed before the Conference by the United States Government. Mr Hughes declared that the burden of naval armament arose from competition in naval programmes. There was only

one way out and that was to end it. This could not be accomplished without serious sacrifice, which should not be confined to one country. Mr. Hughes took into consideration the programmes of the United States, Great Britain, and Japan, and proposed immense reduction in armament already existing or in course of construction as well as cessation of construction during a definite period, except for replacement. As an earnest of its sincerity, the United States offered to scrap ships in course of construction upon which more than \$333,000,000 had been expended and designated a relative sacrifice by the two other powers. The proposal was in effect the proclamation of a naval holiday, and it was commended to the Conference by Mr. Hughes in an eloquent and inspiring speech.

There was not a little searching of heart in the British Empire Delegation as to the attitude which Mr. Balfour should take when the Plenary Session would reassemble on Tuesday, November 15th. As usual he was most happy in his presentation of the case and he declared that the British Empire accepted the American proposals in spirit and in principle.

The conversations respecting the reduction of naval armaments were prolonged and difficult. Although the final result did not fulfil the first sanguine anticipation, a considerable measure of success was attained in arresting ruinous competition. *Inter alia*, it was clearly established that, with good intentions, wise guidance and a spirit of co-operation, the technical problems involved in such a proposal are not necessarily insoluble. The technical results attained are not germane to my subject and will be omitted.

The proposals of the British Commonwealth with regard to submarines were not at first accepted by the Conference. Eventually the American Delegation put forward a resolution which was a distinct advance towards the British point of view. As a result the decision of the Conference was embodied in a treaty between the United States, the British Empire, France, Italy, and Japan, which briefly declared existing international law for protection

of neutrals and non combatants at sea and in time of war. The chief feature of this treaty is the provision that before a merchant ship is destroyed the safety of the passengers and crew must be provided for whether the merchant vessel be an enemy or a neutral. That submarines are not in any circumstances exempt from this obligation, and that, if a submarine cannot capture a merchant vessel in conformity therewith, the Law of Nations requires it to permit the merchant vessel to pass unmolested. Any persons violating this rule, whether under orders of a governmental superior or otherwise, shall be liable to trial and punishment as if for an act of piracy. The same treaty dealt with the use of asphyxiating, poisonous or other gases and the signatory powers invited all civilized powers to express their assent to the principles thus promulgated.

In certain aspects the conditions that confronted the delegates were of a most unusual and difficult character. It was a remarkable feature of this conference that its success from the standpoint of public opinion in the United States, as well as in other nations, depended upon two questions, neither of which found a place upon the agenda nor was either dealt with in Committee.

At the Imperial Conference of 1921 the question of renewing the Treaty of Alliance with Japan had been debated, and there is reason to believe that a certain divergence of view arose among the Overseas statesmen. There also is good reason for concluding that representations of the Canadian Government during the winter and spring of 1921 had a marked influence upon the determination of this difficult and important question.

The American Delegation gave me an unmistakable impression of strong desire for good understanding and full co-operation between the British Commonwealth and the American Republic. They entertained a grave apprehension that cordial relations and friendly feeling between the two countries would be seriously endangered by the renewal of the Treaty. As a result of intimate friendly discussions between Mr Hughes, Mr Balfour, Admiral Baron Kato and M Briand, the Quadruple

Pacific Treaty between the United States of America, the British Empire, France, and Japan was signed on December 13th. It declared that upon its ratification the Anglo-Japanese Treaty would terminate. The Quadruple Pacific Treaty was one of the most important and significant results attained at Washington, although its negotiation did not come within the purview of the Conference and was not included in the agenda. It did not create an alliance nor did it impose any military or warlike obligation. The four Powers agreed as between themselves to respect their relative rights to insular possessions and dominions in the region of the Pacific Ocean; to determine if possible by joint conference any questions involving such rights which had not been satisfactorily settled by diplomacy and which might affect their harmonious accord; and, in case such rights should be threatened by aggressive action of any other Power, to communicate fully and frankly with each other as to measures for meeting the resulting exigencies. It was to continue in force for ten years, subject to denunciation by twelve months' notice.

Another subject not included in the agenda was the cause of protracted negotiation and of extreme anxiety for many weeks. In 1898 Germany had acquired from China a ninety-nine years' lease of the Bay of Kiaochow, the Port of Tsingtao, and a zone of fifty kilometres in radius, together with certain railway concessions. Japan's ultimatum to Germany in 1914 declared that her action was taken with a view to eventual restoration of this territory to China. In 1915, after Japan's presentation of what were known as the 'Twenty-one Demands', China undertook to assent to any settlement between Japan and Germany respecting the Shantung interests. By the Treaty of Versailles, Germany renounced in favour of Japan all her rights and interests in this territory. At the same time Japan declared her intention to restore the Shantung Peninsula in full sovereignty to China, reserving only the economic privileges granted to Germany and the right to establish a foreign settlement at Tsingtao. Notwithstanding this declaration, the Chinese Government declined to assent to

this settlement and refused to sign the Treaty of Versailles. The question had remained a source of irritation between Japan and China, and in 1921 it was a highly disturbing factor in the general Far Eastern situation. Public opinion in the United States was so seriously aroused that the Conference would probably have been regarded as a failure if a satisfactory settlement had not been reached. The conditions indicated made it impracticable for the Conference itself to take up the question. A favourable opportunity had arisen to secure direct agreement between Japan and China, and to this end the good offices of Mr Hughes and Mr. Balfour were offered. At the ensuing conversations between the Japanese and Chinese delegates, observers designated from the American and the British Empire Delegations attended to render any available assistance. On several occasions there was personal participation by Mr. Hughes and Mr. Balfour, and on one occasion the intervention of the President was sought and obtained. The conversations were extremely prolonged and meticulous. Towards the end, controversy upon a highly unimportant detail almost occasioned their failure. However, satisfactory conclusions were embodied in a treaty between China and Japan signed on the 4th of February 1922, and announced in due course at a Plenary Session of the Conference. This fortunate result illustrated the immense value of personal contact and association under benign influence. It could not have been attained by diplomatic correspondence. Suspicion and distrust were gradually dispelled, and for the time being, at least, an atmosphere of goodwill was created. By the terms of this treaty the German-leased territory of Kiaochow was to be restored to China within six months, and arrangements were made for the transfer of the Shantung railway to China in complete ownership and control.

The affairs of China occupied the attention of the Conference to a remarkable degree. The Chinese delegates put forward proposals of a very comprehensive character. Many of these were conceded and, if there had been in China a Central Government possessing and exercising

such authority as ordinarily obtains in an organized state, the Conference would undoubtedly have gone much further. Even at that time the power of the Central Government was a mere shadow, as the military governors had become military dictators within their respective provinces or spheres of influence. There were probably a million men under arms in China who had not been enlisted for the defence of their country but were engaged in civil war. So far as I could gather the impressions of the delegates, they were fully conscious that the Chinese people had developed a distinctive civilization of high order which, in some of its aspects, afforded a lesson to western nations. China's centuries of splendid tradition, her development in art and literature, her high culture, were a proud inheritance. The Chinese people were passing through a sudden transition from centuries of autocratic rule under an ancient dynasty to the development of more democratic institutions. That this transition should be attended with disorder was not remarkable and no fear was entertained as to the outcome. Out of the present disorders would eventually arise a permanent system of stable government and China would take her deserved and well-recognized place among the great powers of the world. External beneficent influence might aid in this, but in the end the Chinese people must work out their own political salvation. There was abundant reason to hope that they would accomplish this. In the meantime it was the duty of other nations to lend a helping hand wherever possible, to remove hampering restrictions as soon as practicable, and to give every encouragement for the political regeneration of this illustrious people.

Land disarmament was also discussed in the Conference and its consideration elicited from M. Briand an eloquent and moving speech in which he emphasized the great reduction in the French Army and the determination of France to maintain that reduction at the lowest point consistent with due regard to national safety. He made an inspiring appeal for what he termed moral disarmament, which he justly described as the supreme purpose that the

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concert of nations should seek to attain For many reasons it was impossible to deal with the question of land disarmament That question was much more complex and could only be taken up at a conference in which all important military powers were represented Failure at Washington to reach results in this direction was inherent in the conditions and circumstances

Although the Conference was summoned by a nation that had not adhered to the Covenant, its purpose and its spirit were of the League The treaties consummated at Washington involved not only ideals but commitments comparable at least with those attached to the Covenant, which had been ratified by every other member of the Conference but rejected by the convening nation This misadventure of the Covenant gave an ironical touch to the situation However, the inspiration of the Conference was a sincere and lofty purpose Its value to the world cannot be measured by its concrete results although they were of the first importance A precedent was established for mitigating and controlling, if not ending, the ruinous competition in armaments, and thus lessening the oppressive burdens of a war stricken world At Washington, as in the League Assembly, the supersession of suspicion and distrust by understanding and goodwill through constant association and intimate discussion counted for more than formal engagement

XIV

The British and American Commonwealths—Their divergent tendencies of governance—Has equality of nationhood become a reality to the Dominions?—The Imperial Conference of 1926—Report of the Balfour Committee—Political texture contrasted with real ties—Duty resting on the Commonwealth and the Republic—Canada's century of achievement

IN the history of governance there is nothing more remarkable than the development of political relations in the British Commonwealth during the last three quarters of a century. That development is still at a very interesting and important stage. Between the British Commonwealth and the American Republic there has been, during the same period, a remarkable contrast in the tendencies of political evolution. In the United States, by reason of the admitted supremacy of the Federal authority in matters of Imperial concern, power has shifted from the States to the Central Government. There has been a precisely opposite evolution in the British Commonwealth where the authority of the Imperial Government has gradually diminished through the increasing jurisdiction and power of the Dominions.

The Imperial War Conference in 1917 practically asserted equality of nationhood. To what extent has this become a living reality in the Commonwealth's governance?

The authority of each Dominion to control immigration not only from foreign countries, but from other parts of the Empire, was definitely recognized by the Imperial War Conference of 1918. In the same year the right of direct communication between the Government of any Dominion and the Government of the United Kingdom was affirmed. During the war, and before this resolution, the Dominion Prime Ministers had initiated the practice of communicating directly with the Prime Minister of the United Kingdom whenever it was thought advisable. The Governor General's code was used because no other was

available, and his office was a mere conduit both for the message and the reply.

The distinctive representation and recognition of the Dominions at the Paris Peace Conference in 1919, as well as the right of legation, established in 1920, have already been alluded to.

At the Imperial Conference of 1921 the influence of the Dominions upon foreign policy was recognized in an effective way. The proposed renewal of the Anglo-Japanese Treaty had given rise to a grave question which eventually was settled at the Washington Disarmament Conference. As to the influence of the Dominions upon the determination of this question there can be no doubt. The outlook of Canada was obviously affected by knowledge of public opinion in the United States.

In the same year (1921) the 'Articles of Agreement for a Treaty between Great Britain and Ireland' declared that in the community of nations known as the British Empire Ireland should have the same constitutional status as Canada and the other Dominions, and that the position of the Irish Free State in relation to the Imperial Parliament and Government should be that of Canada. By its constitution, which received Parliamentary sanction, the Irish Free State became 'a co equal member of the Community of Nations forming the British Commonwealth of Nations'. It is essential to bear in mind that statutory recognition was thus given by the Parliament of the United Kingdom to the principle of co-equal nationhood affirmed by the Imperial War Conference in 1917.

In 1923 a question arose with regard to the signature of a treaty popularly known as the Halibut Treaty. That treaty was eventually signed by a Canadian plenipotentiary alone, and it has been considered that this incident was invested with constitutional importance as Canada had objected to signature by the British Ambassador. The significant features were that Canada negotiated the treaty by her own plenipotentiary and fixed its terms by agreement with the United States Government. For its signature 'Full Powers' from the King would be necessary.

Whether they were issued to the Canadian plenipotentiary alone, or to the Canadian 'plenipotentiary conjointly with the British Ambassador at Washington, seems a very minor feature. It had already been decided at Paris in 1919 that 'Full Powers' should be issued to such persons as the several Dominion Governments recommended. Thus, the contention that this incident created a constitutional landmark seems quite unfounded.

At the Imperial Conference of that year (1923) the signing and ratification of treaties which concerned only the interests of one Dominion was taken into consideration. Principles were formulated and procedure laid down to govern such cases. The right of each Dominion to negotiate and to enter into a treaty affecting only its own interests was definitely and fully recognized. Such right was not to be exercised without due consideration of its possible effects on other parts of the Commonwealth, or on the Commonwealth as a whole. A treaty imposing obligations on one part only should be signed by a representative of the Government of that part, and ratification should be effected at the instance of that Government.

There remained the necessity of certain readjustments and the correction of anomalies persisting from a period during which the Dominions were regarded as wholly subordinate. It was this necessity that the Inter-Imperial Relations Committee, under the chairmanship of Lord Balfour, at the Imperial Conference of 1926 had to take into account. In some aspects the report of this Committee merely gave formal recognition to existing practice; further, it made readjustments varying in their degree of importance, but in no case denoting any advance in status; and finally it recommended the appointment of committees to consider and to report upon more important questions.

The Governor-General is in future to have the same relation to the administration of public affairs in the Dominion as is held by the King in Great Britain, and is not to be regarded as the representative or agent of the British Government or of any Department thereof. During my

nine years of premiership, that was already my conception of his position. So far as Canada is concerned, the formal is made to accord with the practical relation. The Crown personifies the Majesty of the people and in each nation of the Commonwealth it acts only upon the advice of the people's Executive and always within the control of their legislature.

The changes in the title of the King and in the recognized channels of communication are not highly important. Questions affecting judicial appeals are to be determined in accordance with the wishes of the Dominion primarily affected. With regard to International Conferences, the proposals respecting Dominion representation are either obvious or conform to existing practice.

With respect to the preamble of treaties and their signature, the anomaly created by the Drafting Committee at Paris¹ was corrected. From the Committee's report the following is extracted:

As a means of overcoming this difficulty it is recommended that all treaties (other than agreements between governments) whether negotiated under the auspices of the League or not should be made in the name of Heads of States, and, if the treaty is signed on behalf of any or all of the Governments of the Empire, the treaty should be made in the name of the King as the symbol of the special relationship between the different parts of the Empire. The British units on behalf of which the treaty is signed should be grouped together in the following order Great Britain and Northern Ireland and all parts of the British Empire which are not separate members of the League, Canada, Australia, New Zealand, South Africa, Irish Free State, India

The relevant form appended to the Committee's report makes the procedure quite clear.

With respect to more serious matters, the Committee recommended the appointment of special and expert committees to consider, inquire, and report.² In this category are to be found existing provisions respecting the reser-

¹ See Chapter XII, p. 103.

² I have not learned that either of these Committees has been appointed (December 1927).

vation or disallowance of Dominion legislation, the extra-territorial operation of such legislation, the repeal or modification of the Colonial Laws Validity Act, and the operation of the Merchant Shipping Act, 1894. It was intimated, however, through the Secretary of State for Dominion Affairs, that in future the power of disallowance would not be exercised. I have always regarded it as practically obsolete and in much the same category as the King's veto.

Not the least useful result of the Committee's report was its influence upon communities in which present constitutional relations and the effect of existing conventions were imperfectly realized.

Finally, it should be said that the Report of the Balfour Committee contains a most interesting and useful discussion of the subject with which it deals. Its conclusions embody all the readjustments that could reasonably be effected without the further inquiry which it proposes. While it falls far short of the extravagant reports with which it was heralded in the first instance, it admirably sums up the present status of the Mother Country and the Dominions in these words:

'Their position and mutual relation may be readily defined. They are autonomous Communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations.'

The Dominions, having sought and gained the status

¹ Compare Mr. Lloyd George's estimate at the Imperial Conference of 1921: 'The British Dominions have now been accepted fully into the comity of nations by the whole world. They are signatories to the Treaty of Versailles and of all the other Treaties of Peace, they are members of the Assembly of the League of Nations, and their representatives have already attended meetings of the League; in other words, they have achieved full national status, and they now stand beside the United Kingdom as equal partners in the dignities and the responsibilities of the British Commonwealth. If there are any means by which that status can be rendered even clearer to their own communities and to the world at large we shall be glad to have them put forward at this Conference.'

of nationhood, cannot recede from assumption of its responsibilities. Their history and their traditions are an assurance that there will be no such recession. They must be mindful that real, as distinguished from nominal, nationhood cannot be founded upon the phraseology of resolutions alone; it must be measured by the acceptance of responsibility and based upon achievement.

Both at Paris and at Washington each Dominion had its voice and influence in the British Empire Delegation. Differences of opinion, however serious, were invariably composed and the Commonwealth spoke with one voice. When a vital decision must be taken in the interval between such conferences, by what means shall Great Britain be assured that she speaks both for herself and for her sister nations? Commitments purporting to involve Great Britain alone, such as those imposed by the Anglo-American Guarantee Treaty of Paris and by the Locarno Treaty, are directly concerned with the ultimate issue of war in which the Dominions would be involved and, however essential for preserving the peace of Europe, they can hardly conduce to the unity of the Commonwealth. Great Britain has become part of the European mainland. The Dominions will never have a European outlook. But we beyond the seas must remember that each nation stands at the threshold of every other, that all frontiers touch one another throughout the world, that there can be no hermit nation and no hermit continent.

It would be easy to dwell further upon grave problems that remain yet to be solved. In the recollection that none has hitherto proved insoluble rests our firmest hope for the future.

The political union of the Commonwealth seems of the slightest texture and yet the real ties that unite its nations were never surer or stronger than they are to-day. They have developed a remarkable quality of holding most strongly when the stress has been greatest. There are those who say that the supreme test will come in some tremendous emergency. Rather there seems reason for believing that the gravest danger arises in the days of general

prosperity, 'in all time of our wealth,' when the spirit of materialism is most rampant. May it not be easier to 'mount up with wings as eagles', when there is a moving appeal to the spirit of sacrifice, than 'to walk and not faint' in the primrose path? Assuredly the nations of the Commonwealth, bound to each other by the ties of kinship, tradition, language, laws, institutions, literature, by common ideals of liberty, justice and international right, by the memories and associations of a thousand years—surely these nations owe it to each other, owe it still more to the world, that they should carry on to a glorious conclusion the wonderful experiment in governance that hitherto has been crowned with inspiring success. If the League of the Commonwealth may not endure, how is it possible that the League of Nations can survive?

But apart from the hope that we have in the League of Nations, shall we not recognize an imperative duty resting upon the British Commonwealth and the American Republic? Not by formal alliance but in union of honourable ideals and in loyal co-operation for their fulfilment they can maintain international justice and hold the world's peace inviolate. This duty lies before them, clear, unmistakable, imminent. By the measure of its fulfilment they will be judged at the bar of history.

Within a century the aspect of the territories included within the Canadian Dominion has been entirely changed. The country has been reclaimed from the wilderness; the continent has been spanned by immense railway systems; unlimited resources have been turned to productive uses; vast industries have been established; prosperous communities have grown up; great cities have arisen; standards of living prevail that are unsurpassed elsewhere in the world. Within that space of one hundred years, so brief in the lifetime of a nation, modern conditions have permitted the accomplishment of a task which in the older communities of other continents has occupied many centuries. But Canada may claim a prouder and nobler service. All this material development is of less significance than the system of liberty and self-governance that

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had its beginning within her borders, arose from the insistence of her sons and determined the present organization of the British Commonwealth. The doubts that heralded its initiation and persisted during a long period, have eventually been dissipated. Joseph Howe, Robert Baldwin, Louis Hippolyte La Fontaine, and the British statesmen who co-operated with them in establishing responsible government laid the foundation of a political system that has given a new expression to liberty and has set at naught the prophets of limited political vision. To pretend that material considerations do not influence the nations of the Commonwealth would be idle, but the impalpable ties that unite them have a deeper significance and a surer permanence. Their freedom within their unity is an earnest of what may yet be accomplished in an even wider sphere. The League of the Commonwealth may serve as an exemplar to the League of Nations.

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